

Candidate Number:
Seat No.:

Section II Short Essay Questions
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The HKIA/ARB Professional Assessment 2011

Paper 1

Statutory Controls in Building Works

22 November 2011

9:00 am – 12:00 noon (3 hours)

Venue

Rotunda 3, 6/F

Kowloonbay International Trade & Exhibition Centre (KITEC)

Kowloon Bay

Section II (60 marks) :

Short Essay Questions (pages 1 – 10)

A total of 3 questions are to be answered.

Question 1 is compulsory (30 marks).

Answer 2 questions from Question 2, Question 3 and Question 4 (15 marks each).

Time allowed : 1 hour 50 minutes

Notes :

1. 3 answer books are provided for you.
2. Please attempt each question on a separate answer book and mark the question numbers you attempt on the answer book.
3. Remember to write your candidate number and room/seat number on the answer book and question paper. DO NOT write your name on the question paper and answer books.

Paper 1 Section II – Short Essay Questions

Question 1 (Compulsory Question – 30 marks)

Your client owns a corner site in the urban area of Kowloon. Appendix A shows the location and details of adjoining topographic features. The site is zoned Residential (Group A) in the relevant Outline Zoning Plan (not supplied) and planning notes of the Outline Zoning Plan are attached in Appendix B. The “First Schedule” on “Percentage Site Coverages and Plot Ratios” extracted from “Building (Planning) Regulations” is attached in Appendix C.

Streets X, Y and Z are public thoroughfares maintained by Highways Department. The lanes adjoining the site are also for public passage but are of substandard width.

The lease conditions impose no restrictions other than limiting the use to “industrial purpose” and the building height to a maximum of 18mpd.

Your client wishes to redevelop the lot and seeks your advice on the following points based on existing site conditions:

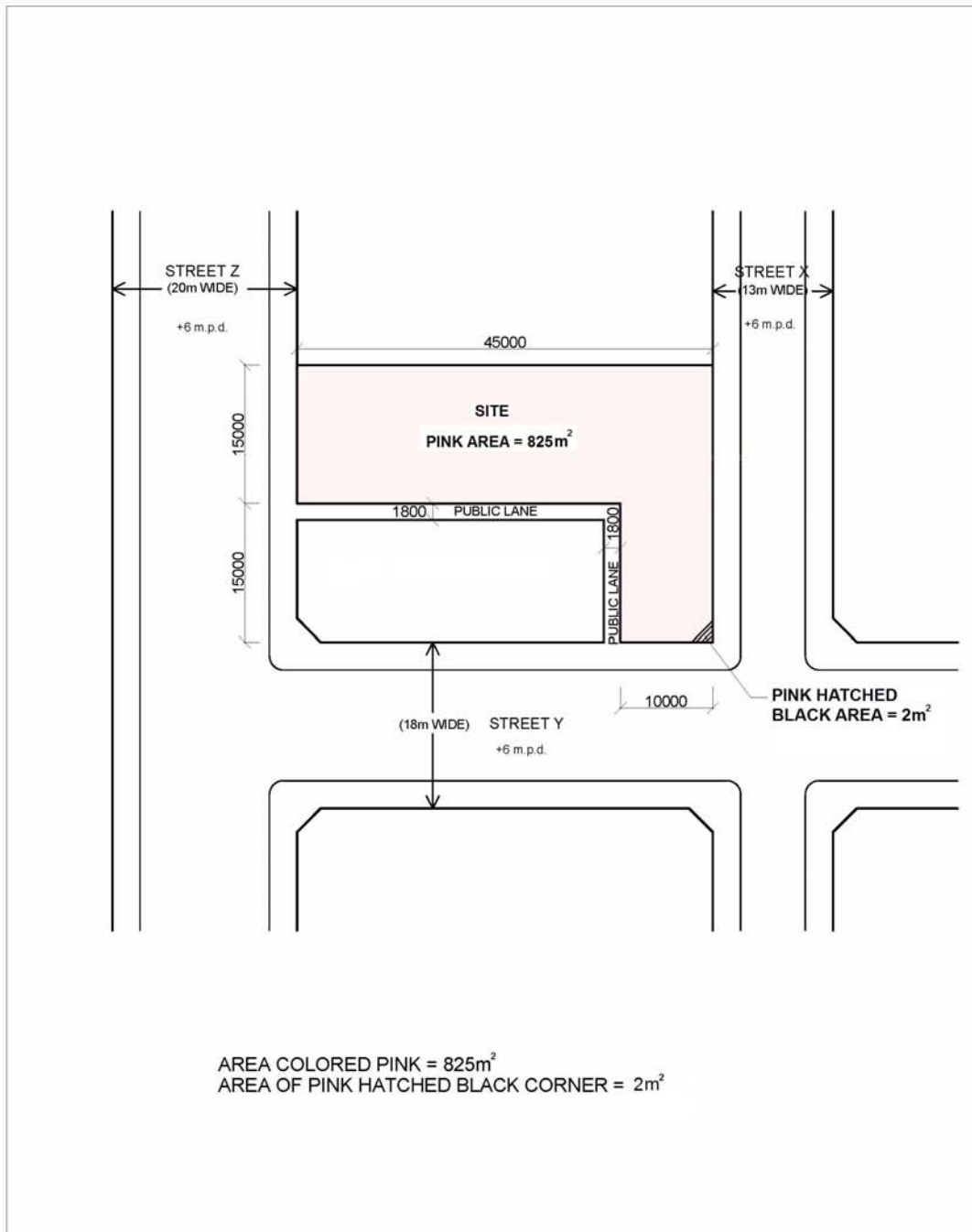
- (A) What is the site classification under the Buildings Ordinance, with supporting explanatory notes to your client? (3 marks)
- (B) If your client wishes to develop a composite building with a residential tower sitting on a commercial podium, to attain a maximum PR of 9, how would you advise him on procedures regarding planning and land matters? (3 marks)
- (C) Alternatively, if your client wishes to develop an office building on the lot to a plot ratio (PR) of 9, how would you advise him on procedures regarding planning and land matters? (4 marks)
- (D) Assuming your client has successfully obtained modification to the lease conditions to permit a composite development under Residential (Group A) zoning guidelines, please answer the following queries raised by your client, giving reasons:
 - (i) Whether a service lane is required for the proposed composite building? (2 marks)
 - (ii) Based on the advice given, what is the site area to be used for gross floor area (GFA) calculation? (2 marks)
 - (iii) What is the maximum achievable domestic PR, if your client intends to attain an aggregate domestic and non-domestic PR of 9, as permitted under the Residential (Group A) zoning guidelines? (4 marks)
 - (iv) If the corner of the site, coloured pink hatched black on the site plan, is resumed by Government for the purpose of public (2 marks)

passage, what would be the bonus GFA allowed?

- (v) If your client intends to provide covered parking facilities within the site, outline your key advice regarding provision of carparking spaces, as affected by design and disposition of the building? (6 marks)

- (vi) Your client also wants to obtain GFA concession for balconies and utility platforms for the domestic units; what requirements particular to this site have to be complied with, in order to merit such concession? (4 marks)

Appendix A



RESIDENTIAL (GROUP A)

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

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)

In addition, the following uses are always permitted (a) on the lowest three floors of a building, taken to include basements; or (b) in the purpose-designed non-residential portion of an existing building, both excluding floors containing wholly or mainly car parking, loading/unloading bay 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
 Recyclable Collection Centre
 School
 Shop and Services
 Training Centre

Planning Intention

This zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. For the "Residential (Group A)5" ("R(A)5") zone, the planning intention is purely for residential development.

Remarks

- (1) On land designated "Residential (Group A)" ("R(A)"), "Residential (Group A)3" ("R(A)3") and "Residential (Group A)4" ("R(A)4"), 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. Except where the plot ratio is permitted to be exceeded under paragraph (12) hereof, under no circumstances shall the plot ratio for the domestic part of any building, to which this paragraph applies, exceed 7.5.
- (2) For a non-domestic building to be erected on the site, the maximum plot ratio shall not exceed 9.0 except where the plot ratio is permitted to be exceeded under paragraph (12) hereof.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)Remarks (Cont'd)

- (3) On land designated "Residential (Group A)1" ("R(A)1"), 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 a maximum domestic gross floor area (GFA) of 144,300m² and a maximum non-domestic GFA of 4,500m².
- (4) On land designated "Residential (Group A)2" ("R(A)2"), 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 a maximum plot ratio of 4.5 (including a maximum non-domestic plot ratio of 0.5), a maximum domestic site coverage of 30% and a maximum non-domestic site coverage of 60% (both excluding basement(s)). Ancillary car parking should be provided in the basement.
- (5) On land designated "R(A)5", 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 a maximum domestic plot ratio of 7.5, or the plot ratio of the existing building, whichever is the greater.
- (6) On land designated "Residential (Group A)6" ("R(A)6"), 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 a maximum domestic GFA of 28,396.05m² and a maximum non-domestic GFA of 5,679.21m².
- (7) On land designated "R(A)", "R(A)1", "R(A)2", "R(A)4", "R(A)5" and "R(A)6", 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 (mPD) as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (8) On land designated "R(A)3", no new development (except minor addition, alteration and/or modification not affecting the building height of the existing building) 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 mPD as stipulated on the Plan.
- (9) On land designated "R(A)4", a maximum building height restriction of 100mPD would be permitted for sites with an area of 400m² or more.
- (10) In determining the relevant maximum plot ratio for the purposes of paragraphs (1) to (6) 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 Government, institution or community facilities including school(s) as may be required by Government shall be deducted in calculating the relevant site area.

(Please see next page)

RESIDENTIAL (GROUP A) (Cont'd)Remarks (Cont'd)

- (11) In determining the relevant maximum plot ratio/GFA for the purposes of paragraphs (1) to (6) 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.
- (12) 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/GFA for the building on land to which paragraphs (1), (2), (3), (4), (5) or (6) 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/GFA specified in the paragraphs (1) to (6) above may thereby be exceeded.
- (13) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restrictions mentioned in paragraphs (7) and (8) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance, except on land designated "R(A)6".
- (14) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the site coverage restriction mentioned in paragraph (4) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

The "First Schedule" on
"Percentage Site Coverages and Plot Ratios" extracted from
"Building (Planning) Regulations"

FIRST SCHEDULE

[regs. 20 & 21]

PERCENTAGE SITE COVERAGES AND PLOT RATIOS

Height of building in metres	Domestic buildings						Non-domestic buildings					
	Percentage site coverage			Plot ratio			Percentage site coverage			Plot ratio		
	Class A site	Class B site	Class C site	Class A site	Class B site	Class C site	Class A site	Class B site	Class C site	Class A site	Class B site	Class C site
Not exceeding 15 m	66.6	75	80	3.3	3.75	4.0	100	100	100	5	5	5
Over 15 m but not exceeding 18 m	60	67	72	3.6	4.0	4.3	97.5	97.5	97.5	5.8	5.8	5.8
Over 18 m but not exceeding 21 m	56	62	67	3.9	4.3	4.7	95	95	95	6.7	6.7	6.7
Over 21 m but not exceeding 24 m	52	58	63	4.2	4.6	5.0	92	92	92	7.4	7.4	7.4
Over 24 m but not exceeding 27 m	49	55	59	4.4	4.9	5.3	89	90	90	8.0	8.1	8.1
Over 27 m but not exceeding 30 m	46	52	55	4.6	5.2	5.5	85	87	88	8.5	8.7	8.8
Over 30 m but not exceeding 36 m	42	47.5	50	5.0	5.7	6.0	80	82.5	85	9.5	9.9	10.2
Over 36 m but not exceeding 43 m	39	44	47	5.4	6.1	6.5	75	77.5	80	10.5	10.8	11.2
Over 43 m but not exceeding 49 m	37	41	44	5.9	6.5	7.0	69	72.5	75	11.0	11.6	12.0
Over 49 m but not exceeding 55 m	35	39	42	6.3	7.0	7.5	64	67.5	70	11.5	12.1	12.6
Over 55 m but not exceeding 61 m	34	38	41	6.8	7.6	8.0	60	62.5	65	12.2	12.5	13.0
Over 61 m	33.33	37.5	40	8.0	9.0	10.0	60	62.5	65	15	15	15

(L.N. 294 of 1976)

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

Question 2 (15 marks)

Answer the following three questions based on the understanding that your advice may be limited to matters under the Buildings Ordinance and allied regulations as your client will separately seek expert advice on planning and land matters.

- A. What are the site parameters that determine whether a new building development involving gross floor area concessions has to comply with the Sustainable Building Design (SBD) Guidelines? (5 marks)
- B. What types of building development and building designs would qualify for exemption, in part or in full, from the building separation requirement as stipulated under the SBD Guidelines? (5 marks)
- C. Explain the design options for a commercial development on a site that abuts on 2 narrow streets in terms of compliance with the building set back requirement stipulated under the SBD Guidelines. (5 marks)

Question 3 (15 marks)

Explain under what circumstances would the following works that your client intend to do in an existing building without prior approval and consent from the Building Authority, contravene the provisions of the Buildings Ordinance and its allied regulations:

- A. Enclosing a balcony with windows; (3 marks)
- B. Constructing a metal canopy projecting from the external wall; (3 marks)
- C. Removing a non-structural wall between two adjoining flats; (3 marks)
- D. Placing a prefabricated cabinet on the roof; (3 marks)
- E. Sub-dividing a flat into smaller units. (3 marks)

Question 4 (15 marks)

Describe and compare the building control mechanisms with respect to the construction of :

- A. soil investigation works in scheduled area; (5 marks)
- B. minor works; and (5 marks)
- C. foundation works. (5 marks)

END OF PAPER