

Candidate Number:  
Seat No.:

<h2 style="text-align: center;">Section II</h2> <p style="text-align: center;">Short Essay Questions</p>
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## The HKIA/ARB Professional Assessment 2012

### Paper 1

#### Statutory Controls in Building Works

20 November 2012

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 – 2)

Attachments A – C (6 pages) printed on loose pages.

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)

In the provided street plan (Appendix A) are shown two adjoining lots, Lot A and Lot B with a service lane running in between.

The lease conditions for Lot A (not given here) specify that it should be used for one house of European type not exceeding 35 feet in height, while the lease conditions for Lot B (*not* given here) can be interpreted as permitting domestic and commercial use.

In the relevant 'Outline Zoning Plan' (Appendix B) both lots are zoned R(A)2 subject to a height restriction. The First Schedule of Building Planning Regulations and Notes to the Statutory Plan (Appendix C) are applicable to these sites and are extracted here for your reference. You are advised to read them carefully.

Please answer the following sub-questions and provide diagrammatic plans where appropriate:

- A. What is the maximum development intensity (height, plot ratio, G.F.A, etc) (6 marks) you would propose for a “composite” building on **Lot A**, according to the statutory notes, assuming that the lease restriction is removed? Please also demonstrate site classification.
- B. What administrative procedure would you foresee to remove the lease (2 marks) restriction to permit the proposed development to be erected on **Lot A**?
- C. Assume the lease restriction of Lot A is removed and your client intends to (10 marks) combine **LOTS A AND B** into a single lot for maximum development of a 'composite' building, how would you advise if
- (i) The lane at the rear of the Lots have already been surrendered.
  - (ii) The lane is under the ownership of the client but subject to a right of way for adjoining lots.
- Please make reference to your answer in respect to site classification, plot ratio and effective site area for plot ratio calculation for each case.
- D. For the 'composite' development on the combined Lot A and B, please give (6 marks) an account of concessions available under “Sustainable Building Design Guidelines” and the pre-requisite to enjoy such concessions.
- E. If your client intends to use the combined lot for a hotel development, how (2 marks) would you advise on aspects of town planning?
- F. What would be the concessions allowable for this “Hotel Development” (4 marks) under Buildings Ordinance?

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

**Question 2 (15 marks)**

Explain how development intensity, building height and building bulk are controlled under the Buildings Ordinance, the Town Planning Ordinance and the Lease Conditions.

Discuss the fundamental reasons why they are separately controlled under the 3 regimes and the pros and cons of separate control.

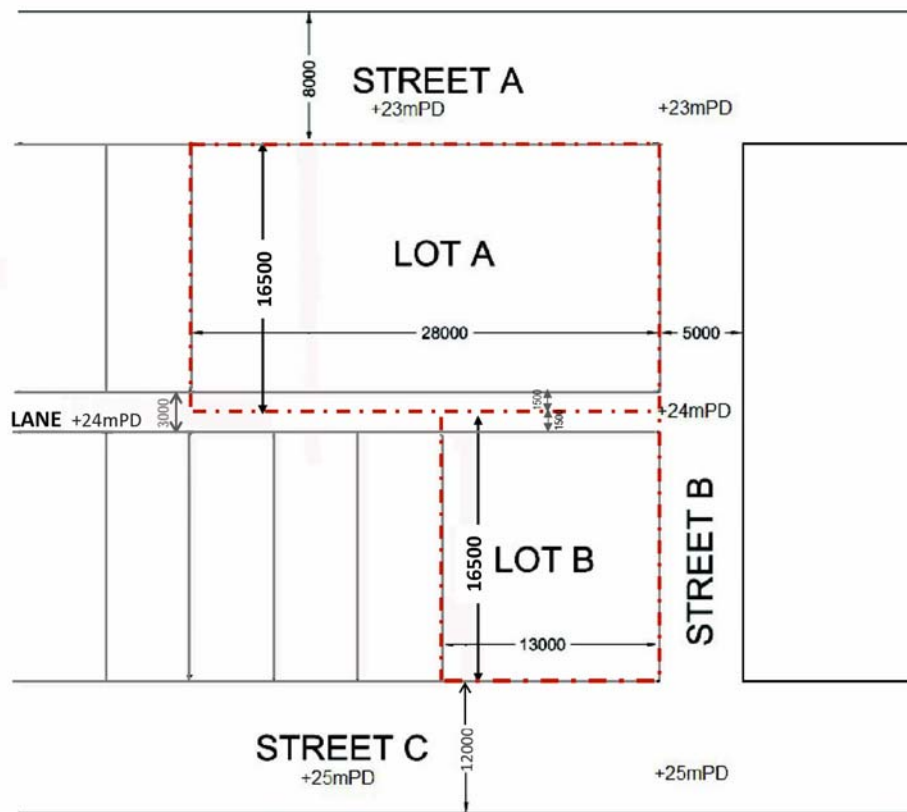
**Question 3 (15 marks)**

Explain the development process for a redevelopment project starting from submission of demolition plans for the Building Authority's approval to the obtaining of an Occupation Permit. Use a flow chart to show the sequence of events and the likely critical path together with the relevant statutory time frames to illustrate your answer. Your advice may be limited to matters under the Buildings Ordinance (BO) and allied regulations as your client will separately seek expert advice on planning and land matters.

**Question 4 (15 marks)**

- A. What are unauthorized building works (UBW)? (2.5 marks)
- B. Explain to your client, who owns a property with an unauthorized roof-top structure, his responsibilities and liabilities under the Buildings Ordinance, in the following scenarios :
- (i) the Building Authority (BA) has issued a statutory order under section 24(1) of the Buildings Ordinance to your client and the order has expired; (2.5 marks)
  - (ii) the BA has issued a warning notice under section 24(C) of the Buildings Ordinance to your client and the notice has been registered at the Land Registry against the property; (2.5 marks)
  - (iii) the BA has issued an advisory letter advising your client to remove the UBW and your client has ignored it; (2.5 marks)
  - (iv) the BA has issued a pre-notification letter to your client that the building has been selected for the Mandatory Building Inspection Scheme; (2.5 marks)
  - (v) water seepage from the roof has caused serious nuisance to the neighbour and damage to the structure below. (2.5 marks)

**END OF PAPER**





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)

**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)

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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 bays and/or plant room:

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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.

Remarks

- (1) On land designated "Residential (Group A)", "Residential (Group A) 1", "Residential (Group A) 2" and "Residential (Group A)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 height in terms of metres above Principal Datum as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (2) On land designated "Residential (Group 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 731,500 m<sup>2</sup> and a maximum number of flats of 10,450.
- (3) On land designated "Residential (Group A)2" and "Residential (Group A)3", a maximum building height of 100 metres above Principal Datum would be permitted for sites with an area of 400m<sup>2</sup> or more.
- (4) On land designated "Residential (Group A)3", a minimum of 2m wide setback from the lot boundary above 15m from the mean street level abutting Old Main Street, Aberdeen shall be provided.

(Please see next page)



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

Remarks (Cont'd)

- (5) In determining the maximum GFA for the purposes of paragraph (2) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room, caretaker's office and caretaker's quarters, or 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.
- (6) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height, GFA and flat number restrictions stated in paragraphs (1), (2) and (3) above and the setback requirement stated in paragraph (4) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (7) Under exceptional circumstances, for a development or redevelopment proposal, minor relaxation of the non-building area restriction as shown on the Plan may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.