

Candidate Number:

Seat No.:

Section II

Essay Questions

The HKIA/ARB Professional Assessment 2022

Paper 1

Statutory Controls in Building Works

14 November 2022

10:00 am – 1:00 pm (3 hours)

Venue

Rotunda 3, 6/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, 2-2 and 2-3, 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 books 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.

All answer scripts, question papers, drafts and loose sheets **must not** be taken out of the assessment venue.
Paper 1 Statutory Controls in Building Works 2022

Paper 1 Section II – Essay Questions

Question 1 (Compulsory Question – 30 marks)

There are many old industrial buildings in urban areas of Hong Kong. A large proportion of these buildings were built to the maximum allowable development potential under the Building (Planning) Regulations. Very often, these industrial buildings are under-utilized with high vacancies because most of the manufacturing activities have been moved away from Hong Kong.

On the other hand, Hong Kong is facing severe housing shortage problems. Every now and then, there are suggestions that these under-utilized industrial buildings should be converted to provide housing units as one of the solutions to our housing problems.

Enthusiastic industrial building owners from different industrial districts have come together to explore the feasibility of such conversions. You have been invited by these factory building owners to provide professional advice on whether converting industrial buildings to housing is generally possible from statutory control point of view.

Based on your professional knowledge, please discuss the challenges in converting industrial buildings to housing under the current statutory controls. Please provide your answers according to the following topics:

- | | | |
|-----|-----------------------|------------|
| (a) | Land use | (7 marks) |
| (b) | Development potential | (10 marks) |
| (c) | Health | (8 marks) |
| (d) | Safety | (5 marks) |

For each topic, you shall

- **Identify** and **explain** what kind of statutory control(s) may cause the conversion to become not feasible, and
- **explain** what can be the possible means to overcome the challenge(s).

An example of a typical industrial building is provided on **Annex 1** for candidates' reference. Candidates is free to provide his / her answers with or without using this example to elaborate his / her answers.

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

Question 2 (15 marks)

You are the project architect of a 30-storey office tower development. Construction is near completion and the project is in the process of obtaining the occupation permit. The typical floor plan of the building as in approved general building plans is shown on Annex 2.

The leasing department of your client is reviewing the lease options and decides to carry out various changes to different floors immediately after occupation permit is obtained for their prospective tenants. The works are listed below from a. to e. and the sketch layout are provided in **Annexes 2-1, 2-2 and 2-3**.

- I. Please advise with brief explanation whether the proposed works comply with the Buildings Ordinance and its subsidiary regulations, and if not, whether you have any suggestions to your leasing department on the changes.

- II. Please **advise** whether the changes must only be carried out after obtaining approval and consent from the Buildings Authority, or there can be other faster ways to start the conversions.

Changes requested by the leasing department:

Entire floor to be leased to a single tenant (Refer to Annex 2-1)

- a. The lift lobby will be removed and become part of the tenant area. (3 marks)

- b. Enhance the security of the tenant area by adding magnetic locks and card access control to doors leading to the required staircases such that occupants from other floors cannot access the single tenant area. The locks will be released automatically in the event of fire. (3 marks)

The floor to be subdivided into 2 units for leasing to 2 different tenants

(Refer to Annex 2-2)

- c. Erect a dry wall partition to divide the floor into 2 office units. (3 marks)

One of the units to become a dental clinic (Refer to Annex 2-3)

- d. Erect dry wall partitions to provide a few dental treatment rooms. Refer **Annex 2** (3 marks)

- e. Provide a sink for each dental treatment room. (3 marks)

Question 3 (15 marks)

The construction of your project is approaching completion. You are now preparing for the application of occupation permit.

- (a) How to ensure your project can meet the requirements for occupation permit, including (but not limited to) being constructed without contravention to the Buildings Ordinance, obtaining of the Fire Certificate and Water Supply Certificate, completing the construction of the vehicular run-in etc? (10 marks)
- (b) List out FIVE documents or plans that need to be submitted to the Building Authority for the application of occupation permit. (5 marks)

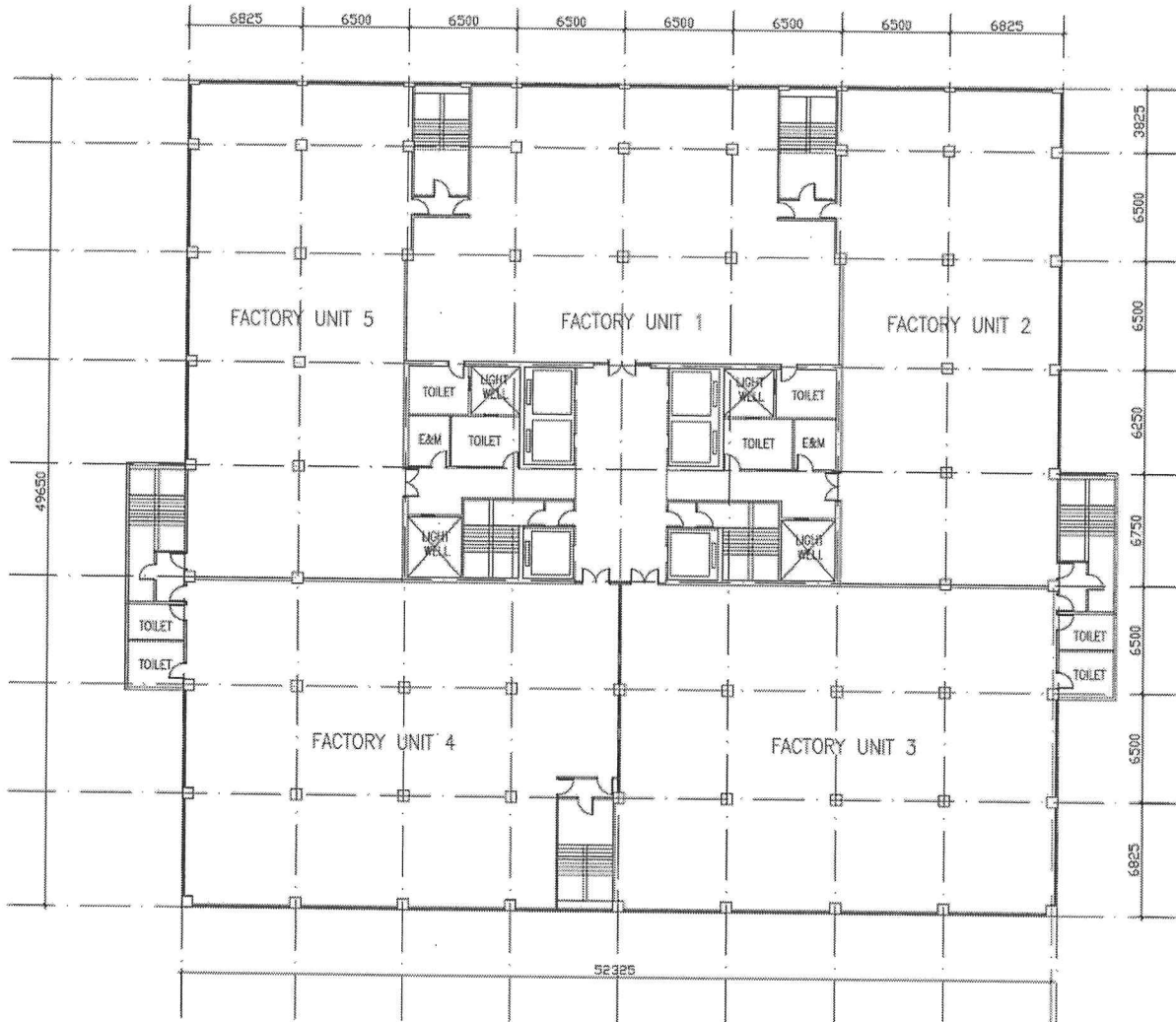
Question 4 (15 marks)

The owner of a building has received an Order from the Building Authority concerning a storeroom on the roof of his building (**Annex 4**) and he then engaged you as the project architect to advise on this matter.

- (a) How can you verify the legality of the rooftop storeroom for the owner? (2 marks)
- (b) The owner requests you to submit building plans to the Buildings Department and obtain approval for that existing rooftop storeroom. How will you advise the owner? (3 marks)
- (c) Please elaborate what procedures shall be taken in order to comply with the Order. (3 marks)
- (d) If the owner insists not to remove the rooftop store room, what are the legal consequences? (3 marks)
- (e) The owner intends to launch an appeal under BO S44 against the Order with the following reasons: (4 marks)
 - a) The storeroom was built by the previous owner and not by him.
 - b) He has never used the storeroom.
 - c) The storeroom is structurally safe.Please evaluate the above grounds for appeal.

END OF PAPER

**EXAMPLE : EXISTING INDUSTRIAL BUILDING IN KWUN TONG
TYPICAL FLOOR PLAN**

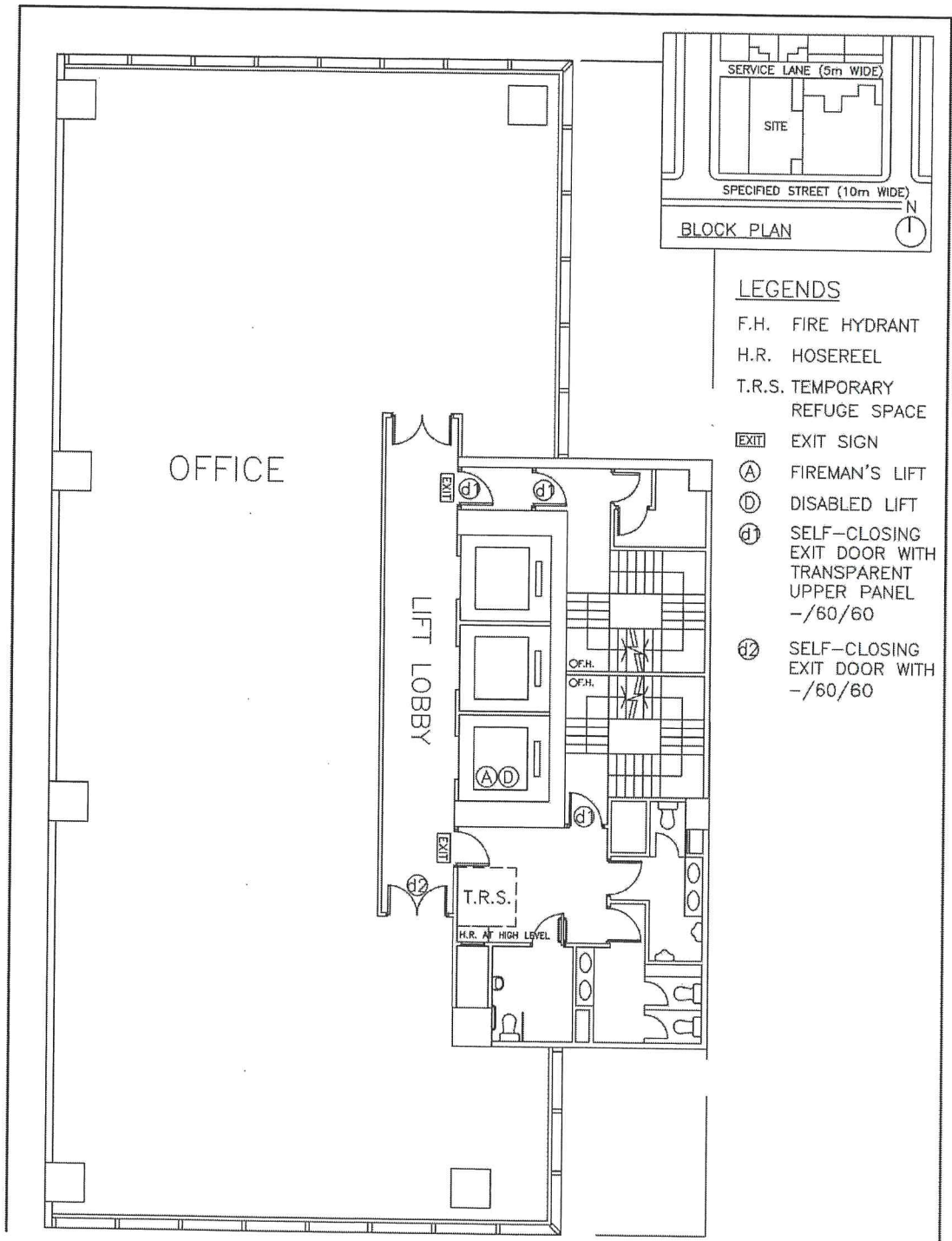


BUILDING HEIGHT, SITE COVERAGE AND PLOT RATIO INFORMATION OF THE EXAMPLE INDUSTRIAL BUILDING

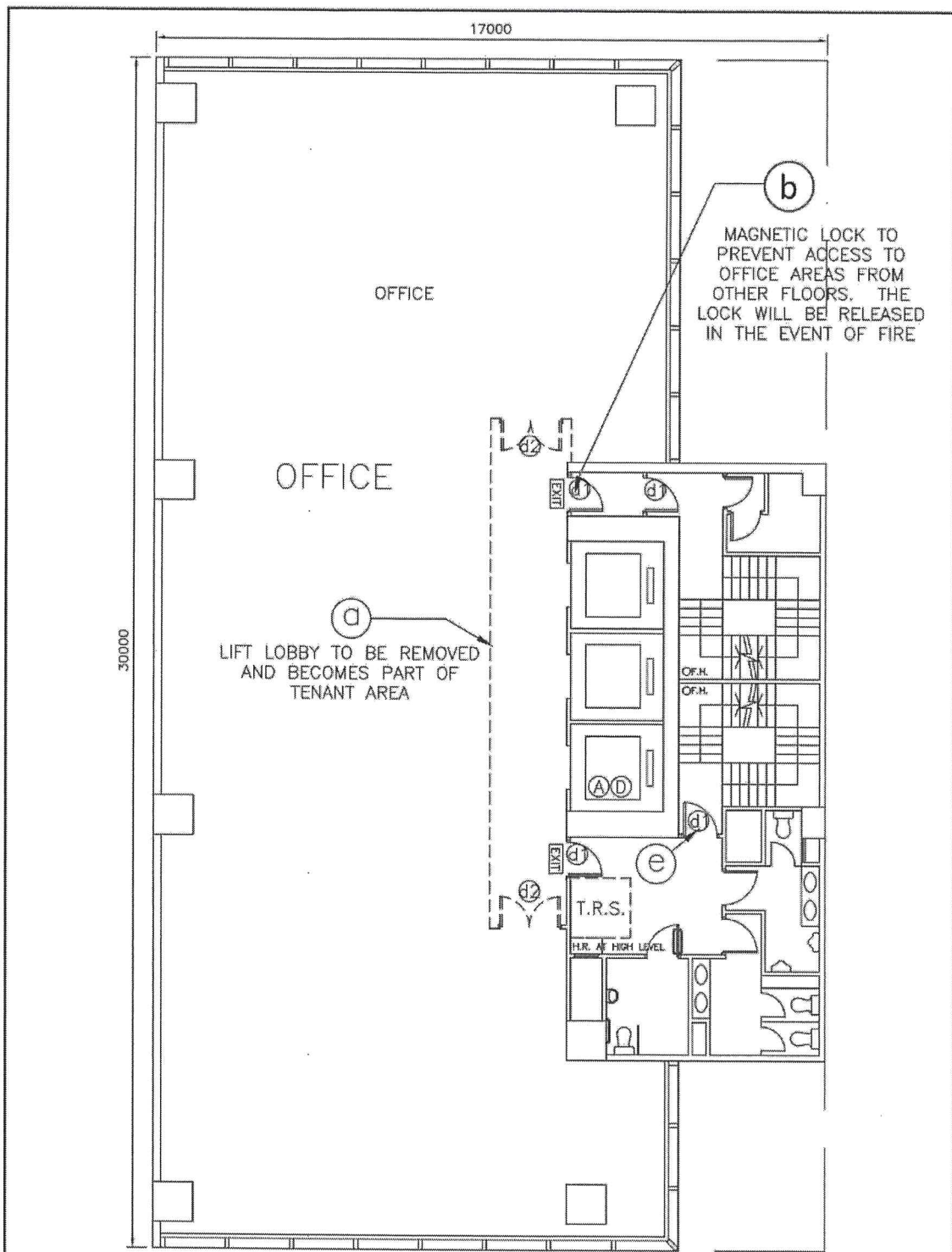
Class of Site	Class A
Site Area	4,335m ²
Number of storeys	16
Floor to floor height	4.9m
Building height	78.4m
Site coverage area of typical floor	2,600m ²
Total GFA of the existing factory building	42,000m ²

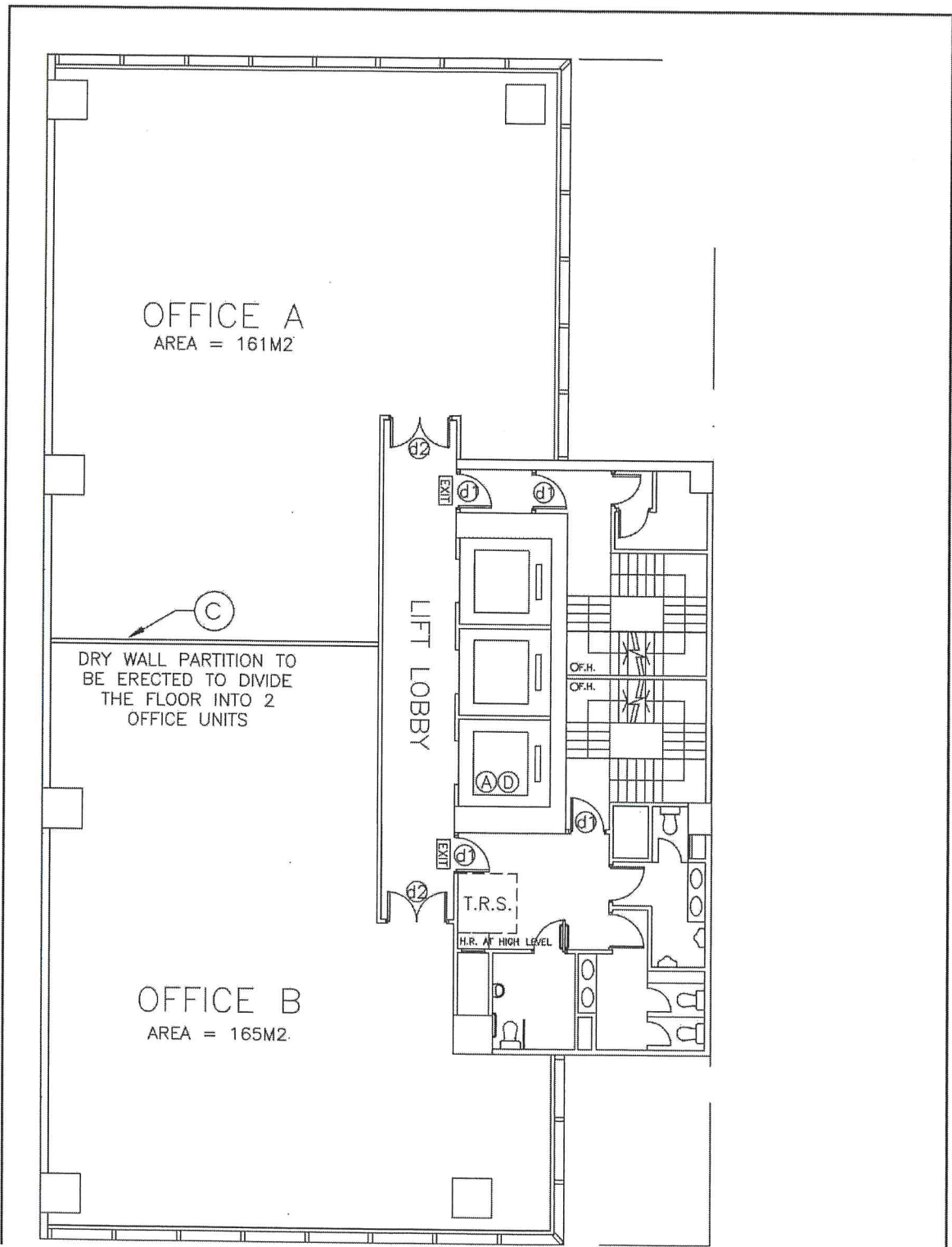
Question 2 - Annex 2

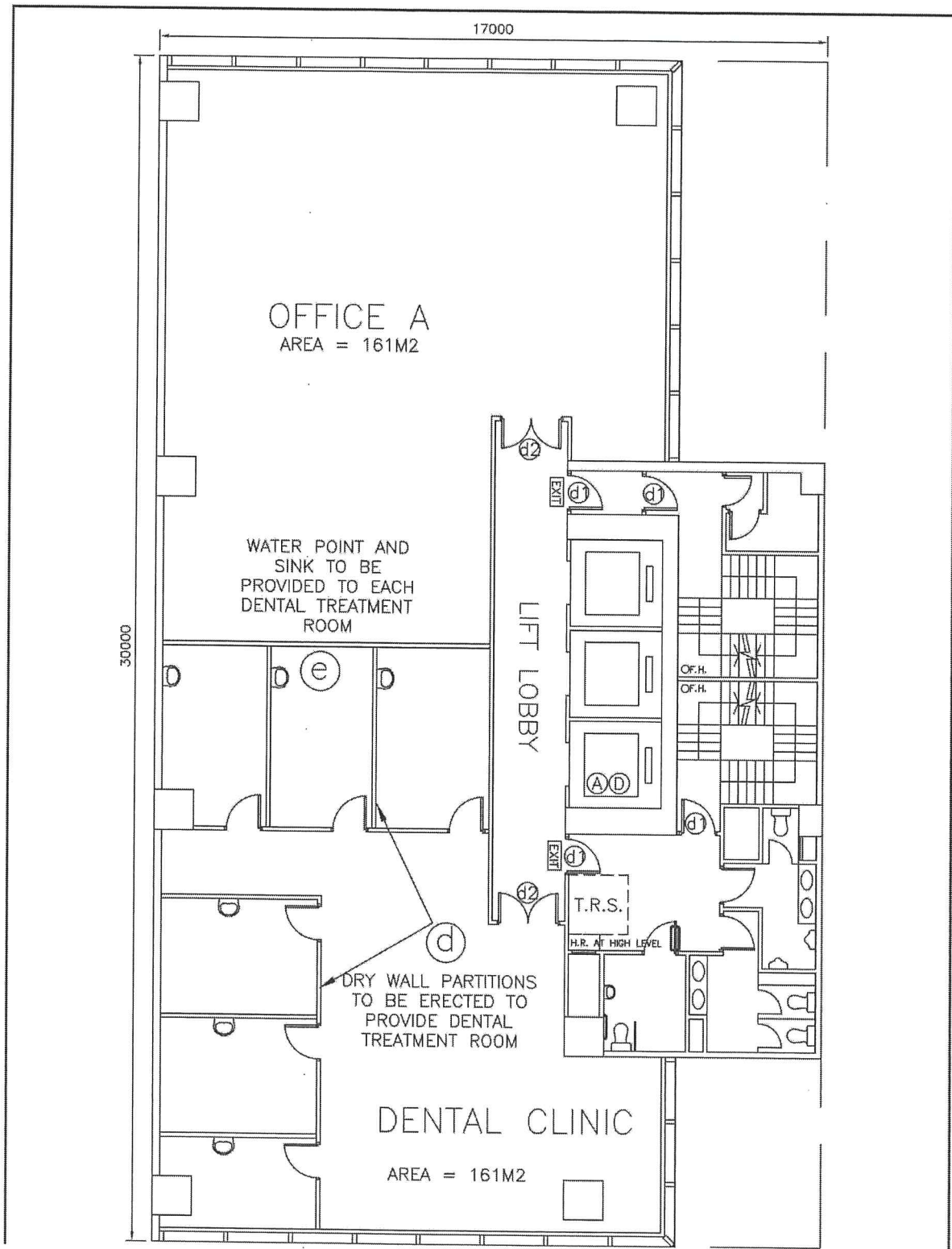
Typical floor plan of the building as in approved general building plans



Question 2 - Annex 2-1







BUILDINGS ORDINANCE (CAP. 123)

22

Order by the Building Authority under section 24(1)

Order No.: UB CS1/

Office of the Building Authority
12/F - 18/F, Pioneer Centre,
750 Nathan Road, Mongkok,
Kowloon.

BD Ref.: EB/2113/

To : THE OWNER of XYZ INDUSTRIAL BUILDING,
\$ KWAI SHING STREET, KWAI CHUNG,
N.T.

Date: 06 JUN 20

Owner(s) of the premises at: XYZ INDUSTRIAL BUILDING, \$ KWAI SHING STREET, KWAI CHUNG, N.T.

on (Lot Number) KWAI CHUNG TOWN LOT NO. 123

It has been brought to my attention that the following building works have been carried out in or at the above premises:

(i) 1 no. of store room (3.5 m height, 5m wide and 5m long) on the rooftop of the premises

2. For the said building works:

(a) The building works at item (i) above has been carried out without having first obtained from me the approval of building plans and consent for the commencement of such building works required by section 14 of the Buildings Ordinance.

3. In exercise of the powers vested in me under section 24(1) of the Buildings Ordinance, I hereby order you to:-

(a) demolish the said building works described under item (i) above; and
(b) reinstate the parts of the building so affected by the building works under item (i) above in accordance with the plans approved by the Building Authority.

Adequate precautionary measures to ensure public safety should be provided prior to and during the course of works.

4. You are required to commence the works ordered by me in paragraph 3 above within 30 days and complete such works within 60 days of the date of this order, all to the satisfaction of the Building Authority.Building Surveyor
for Building Authority

(* delete whichever is inappropriate)

Note

(1) Your attention is drawn to the provisions of sections 24(3), 24(4A) and 33 of the Buildings Ordinance.

BD 109a (Rev. 12/2012)