

L.N. 61 of 2020

Building (Planning) (Amendment) Regulation 2020

(Made by the Secretary for Development under section 38 of the Buildings Ordinance (Cap. 123))

1. Commencement

This Regulation comes into operation on 1 September 2020.

2. Building (Planning) Regulations amended

The Building (Planning) Regulations (Cap. 123 sub. leg. F) are amended as set out in sections 3 and 4.

3. Regulation 7 substituted

Regulation 7—

Repeal the regulation

Substitute

“7. Eaves, cornices, mouldings, etc.

- (1) An architectural projection (including eaves, cornice and moulding) that projects over a street—
 - (a) must not project over the street more than 500 mm; and
 - (b) must not project at a height of less than 2.5 m above the ground level.
- (2) A pipe or gutter (including the appurtenances of the pipe or gutter) that projects over a street—
 - (a) must not project over the street more than 300 mm; and

- (b) must not project at a height of less than 2.5 m above the ground level.
- (3) A specified structure that projects over a street—
 - (a) must not project over the street more than 750 mm; and
 - (b) must not project at a height of less than 2.5 m above the ground level.
- (4) A retractable awning that projects over a street—
 - (a) must not project over the street more than 500 mm (when retracted) or more than 2.5 m (when fully extended);
 - (b) must not project at a height of less than 2.5 m above the ground level;
 - (c) if it projects over a street that has a carriage-way—must have a horizontal clearance of not less than 600 mm from the pavement kerb line; and
 - (d) if it projects over a street that consists only of a footpath—must have a horizontal clearance of not less than 1.5 m from the centre line of the footpath.
- (5) A metal ventilation duct (including the associated supporting frame) that projects over a street—
 - (a) must not project over the street more than 750 mm;
 - (b) must not project at a height of less than 2.5 m above the ground level; and
 - (c) if the duct or any part of it is located on, or hung underneath the soffit of, a balcony, verandah or canopy of a building—must not

project beyond the edge of the balcony, verandah or canopy.

(6) In this regulation—

pipe (喉管) includes a water pipe and a drain pipe;

specified structure (指明構築物) means—

- (a) a drying rack; or
- (b) a supporting frame for an air-conditioning unit, light fitting, or antenna or transceiver for public telecommunications services.”.

4. **Third Schedule amended (persons with a disability)**

Third Schedule, Chinese text, section 53(6)(c)—

Repeal

“在在”

Substitute

“在”.

Michael WONG Wai-lun
Secretary for Development

28 April 2020

Explanatory Note

Under section 31(1)(a) of the Buildings Ordinance (Cap. 123), a building or other structure must not be erected in, over, under or upon any portion of a street unless the building or structure complies with the relevant criteria stipulated in Part II of the Building (Planning) Regulations (Cap. 123 sub. leg. F) (*principal Regulations*). At present, the criteria for certain structures are set out in regulation 7 of the principal Regulations (*existing provision*).

2. The main purpose of this Regulation is to amend the principal Regulations, by replacing the existing provision with a new one, to impose criteria for certain other structures currently not covered by the existing provision. These structures are—
 - (a) supporting frames for light fitting, or antenna or transceiver for public telecommunications services;
 - (b) retractable awnings; and
 - (c) metal ventilation ducts and their associated supporting frames.