



Building Surveying Division
Sr Andrew Kung BSD Council Chairman

Motor Repair Shops in Residential Buildings

After the motor repair shop explosion in Wong Tai Sin, a tragedy that happened in late April and caused a number of fatalities and injuries, an inter-departmental working group was established by the Security Bureau to investigate the causes of the blast and review, so as to prevent the recurrence of similar incidents.

Recently, I saw some articles prepared by academics and professionals that reviewed this case together with Buildings Ordinance s.27, which widely quoted the application of the closure order by the Building Authority on dangerous buildings. However, the controls stipulated in Building (Planning) Regulation 49(1) were not mentioned.

Based on my observations of the controls under the Buildings Ordinance, the important requirement in the Building Planning Regulations [B(P)R] that relates to the use of a motor repair shop should not be ignored. B(P)R 49 states that no building used or designed for domestic purposes or intended for habitation shall be used as a motor repair shop (it also states other incompatible uses such as the manufacture of any dangerous goods, as defined by the Dangerous Goods Ordinance (Cap 295); vulcanizing shop; paint shop where paint or varnish is manufactured or mixed; dry cleaner; etc.) unless exempted by the Building Authority. This revealed that a motor repair shop on the ground floor of a domestic building (where a general G/F shop is an approved use) might have already contravened the Buildings Ordinance. Although building control in B(P)R 49 clearly prohibits a motor repair shop in a domestic building, the problem still exists in many domestic buildings in Hong Kong.

It is evident that given the large number of motor repair shops in buildings designated for

domestic use, there is no doubt that it would be a lengthy exercise to resolve this problem. In my opinion, similar to the solution for tackling unauthorised building works (UBWs) and subdivided flats, a wise strategy should be devised and the government should deploy sufficient resources to the Buildings Department and/or any related department to tackle such anomalies.

Short Course on Building Control

An intensive short course on Building Control was successfully held in April, with the last session taught on 27 April 2015. The course comprised five topics: 1) the Buildings Ordinance, 2) Building (Planning) Regulations, 3) checking fundamental issues, 4) monitoring from construction to completion, and 5) applying the Buildings Ordinance to existing buildings. Due to overwhelming response, we changed our plan immediately and rented larger venues to accommodate more members, but we still could not entertain all applicants.

It is our intention to organise this kind of course every year and refine its content and coverage. I want to take this opportunity to thank all speakers, Sr CC Tsang, Sr Terry Ng, Sr Vincent Ho, Sr Philip Tse, and Sr Ben Chong, for dedicating their precious time and sharing their invaluable knowledge and experiences with our members.

Seminar on Non-Financial Asset Management in Shanghai

Co-organised by the Hong Kong Chamber of Commerce in China (HKCCC) and the Hong

Kong Institute of Surveyors, this seminar was intended to promote the expertise of surveyors in asset management of non-financial products. It was successfully held on 21 April 2015 at the New World Shanghai Hotel and attended by around 70 people.

Sr YL Wu, Chairman of the Beijing Forum, helped deliver a talk titled, "Case Study: Refurbishment, Renovation and Rejuvenation: Another Option for Maximising an Existing Development's Commercial Value Other than Redevelopment" to promote building surveyors' skills in this area.

A similar seminar should be held later this year in Shanghai to reinforce the message to stakeholders that surveyors are the most appropriate professionals for overseeing asset management for entrepreneurs in China.

I want to thank our Vice Chairman, Sr Daniel Chang, who represented the Building Surveying Division in this seminar.

開設於住用用途建築物的汽車修理店舖

黃大仙車房爆炸意外於四月底發生，導致數名市民傷亡，此悲劇過後，保安局已成立跨部門工作小組調查是次意外成因以及對其作出檢討，避免同類事件再次發生。

最近，本人閱讀了數篇學術界及專業人士對此意外的評論，發現《建築物條例》第 27 條關於建築事務監督對危險建築物申請封閉令被廣泛引用。然而，對於《建築物（規劃）規例》第 49 條的第 (1) 款的屋宇管制卻並沒有提及。

根據本人對於《建築物條例》中樓宇管制的觀察，是項關於限制住用用途的建築物內作汽車修理店舖用途的《建築物（規劃）規例》重要條文是不容忽視的。《建築物（規劃）規例》第 49 條的第 (1) 款條文列明任何用作住用用途或擬作居用用途的建築物是不得也用作為汽車修理店舖（第 49 條亦包括不相容的用途如製造《危險品條例》第 295 章所指的任何危險品、硫化工業店舖、製造或混合油漆或清漆的油漆店舖及乾洗等）。這反映黃大仙意外中位於住宅建築物地下（批准地下為店舖之用）的汽車修理店舖有可能已觸犯了《建築物條例》。雖然《建築物（規劃）規例》第 49 條中樓宇管制已清楚列明住用用途的建築物是不許用作汽車修理店舖，可是此問題依然存在於香港眾多的住用建築物中。

顯而易見，鑑於現時眾多汽車修理店舖位於住用用途建築物中，解決此問題無疑是長久任務。以本人看來，與違例建築工程及違例分間樓宇單位（劏房）的問題一樣，制定深思熟慮之策略是必須的，政府亦應投放足夠資源於屋宇署及其他有關部門以處理當下問題。

最後一堂有關樓宇監管的短期課程已於 4 月 27 日舉行，我們有意每年舉辦類似課程。今年由於反應熱烈，儘管我們已租借更大的場地也未能容納全部的申請者，在此感謝各位講員付出寶貴時間及與我們分享寶貴知識及經驗。

由中國香港（地區）商會及香港測量師學會合辦，讓持份者認識測量師在非財務產品的資產管理上之專門技能的研討會已於 4 月 21 日在上海舉行，另一同類型的研討會將於今年稍後時間在上海舉行以帶出加強的訊息予持份者。

