

Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

Business Location - Building Permits

No.	Regulatory Framework	Link
Regulatory Standards for Building Regulations and Environmental Licenses		
<i>Building Regulations Standards</i>		
1.	Legal provisions for planning, design and construction of all private buildings and associated works providing guidelines for the following: <ul style="list-style-type: none">• Natural disaster resistant construction (e.g., floods, storms, earthquakes, etc.)• Building classification according to certain criteria (e.g., usage, size)• Active and passive fire safety measures• Soil testing requirements according to certain criteria (e.g., based on classification, strength, compressibility of soil)• Structural strength (materials to be used, such as wood, concrete, tubular or masonry)• Sanitation facilities	Cap. 123 Buildings Ordinance

No.	Regulatory Framework	Link
2.	<p>Requiring permits for the handling, removal, and disposal of the following regulated construction materials that pose health risks:</p> <ul style="list-style-type: none"> • Lead-containing pipes, components, paints • Mercury-containing fluorescent lamps, thermostats, and electric devices • Polychlorinated biphenyls in electric transformers, fluorescent light ballasts, caulk, and masonry joints 	<ul style="list-style-type: none"> ➤ Cap. 102 Waterworks Ordinance ➤ Cap. 102A Waterworks Regulation ➤ Cap. 354 Waste Disposal Ordinance ➤ Cap. 354C Waste Disposal (Chemical Waste) (General) Regulation ➤ Cap. 354 Waste Disposal Ordinance ➤ Cap. 354C Waste Disposal (Chemical Waste) (General) Regulation
3.	<p>Prohibiting the use of the following construction materials that pose health risks in new buildings:</p> <ul style="list-style-type: none"> • Asbestos • Lead-containing pipes, components, paints • Mercury-containing fluorescent lamps, thermostats, and electric devices • Polychlorinated biphenyls in electric transformers, fluorescent light ballasts, caulk, and masonry joints 	<ul style="list-style-type: none"> ➤ Part X, Cap. 311 Air Pollution Control Ordinance ➤ Section 14(3), Cap. 102 Waterworks Ordinance ➤ Schedule 2 Part 1, Cap. 102A Waterworks Regulation ➤ Cap. 354 Waste Disposal Ordinance ➤ Cap. 354C Waste Disposal (Chemical Waste) (General) Regulation ➤ Cap. 595 Hazardous Chemical Control Ordinance

No.	Regulatory Framework	Link
4.	Requiring inspection and/or testing of the following construction materials to ensure that they are not being used during construction: <ul style="list-style-type: none"> • Asbestos • Lead-containing pipes, components, paints 	➤ Regulation 6, Cap. 102A Waterworks Regulation
5.	Requiring verification of compliance of building plans with existing building regulations	➤ Section 14, Cap. 123 Buildings Ordinance
6.	Stipulating the following parties responsible for verifying compliance of building plans with existing building regulations: <ul style="list-style-type: none"> • Public agency (i.e., certified/licensed engineer and architect in the technical department of the municipality) • The architect/engineer who prepared the plans submits an attestation to the permit-issuing agency • Public agency: Somebody other than an architect or engineer 	➤ Section 14, Cap. 123 Buildings Ordinance ➤ Section 12, Cap. 123A Building (Administration) Regulations ➤ Section 18A, Cap. 123A Building (Administration) Regulations
7.	Requiring verification of compliance with structural and building safety aspects	➤ Cap. 123 Buildings Ordinance ➤ Cap. 123Q Building (Construction) Regulation ➤ Cap. 123F Building (Planning) Regulations

No.	Regulatory Framework	Link
8.	Requiring the following types of technical inspections for structural safety (if any) to be carried out during construction: <ul style="list-style-type: none"> • Random/unscheduled inspections • Phased inspections • Risk-based type inspections 	<ul style="list-style-type: none"> ➤ Cap. 123 Buildings Ordinance ➤ Technical Memorandum for Supervision Plans 2009 ➤ Code of Practice for Site Supervision 2009 (2021 Edition) ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-157 ➤ Practice Note for Registered Contractors 76 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-158 ➤ Practice Note for Registered Contractors 77
9.	Requiring final inspection before a building can be used or occupied	<ul style="list-style-type: none"> ➤ Section 21, Cap. 123 Buildings Ordinance ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-78
10.	Defining the liability for structural defects once a building is in use or occupied	<ul style="list-style-type: none"> ➤ Sections 7, 13 and 40, Cap. 123 Buildings Ordinance ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ADV-37 ➤ Practice Note for Registered Contractors 79

No.	Regulatory Framework	Link
11.	<p>Stipulating that if there are structural problems or defects in a building once it is in use, the following persons/company are legally held liable for 5 years or more:</p> <ul style="list-style-type: none"> • Responsible architects or engineers • The professional or agency conducting technical inspections during construction • The construction company 	<ul style="list-style-type: none"> ➤ Sections 7, 13 and 40, Cap. 123 Buildings Ordinance ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ADV-37 ➤ Practice Note for Registered Contractors 79
12.	<p>Requiring a university degree (i.e. a 4-year bachelor's degree or graduate degree) to be recognized as an architect or an engineer</p>	<ul style="list-style-type: none"> ➤ Section 13(1)(a), Cap. 408 Architects Registration Ordinance ➤ The Hong Kong Society of Architects-Membership ➤ Section 12(1)(a), Cap. 409 Engineers Registration Ordinance ➤ The Hong Kong Institution of Engineers Membership ➤ Section 12(1)(a), Cap. 417 Surveyors Registration Ordinance ➤ HKIS Membership

No.	Regulatory Framework	Link
13.	Requiring the following types of qualification to conduct technical supervisions/inspections of construction projects: <ul style="list-style-type: none"> • Being an accredited architect or engineer • Having a minimum one year of practical experience • Being a registered member of the order (association) of architects or civil engineers • Having to pass a qualification exam 	<ul style="list-style-type: none"> ➤ Sections 3 and 4, Cap. 123 Buildings Ordinance ➤ Regulations 3(1), (2) and (6), Cap. 123A Building (Administration) Regulations
14.	No new use and occupancy permit is required when leasing a building, the original permit is sufficient. Application for occupation permit is only required when a new building is completed or when alteration and addition works involved which result in a new building	<ul style="list-style-type: none"> ➤ Section 2, Cap. 123 Buildings Ordinance
<i>Dispute Resolution Mechanisms for Environmental Clearances in Construction and Building Permitting</i>		
15.	Disputing the decision of the building authority	<ul style="list-style-type: none"> ➤ Section 44, Cap. 123 Buildings Ordinance
<i>Building Energy Codes and Standards</i>		
16.	Including proof of compliance with energy efficiency standards as a precondition for obtaining a building permit and verification of energy-efficiency standards as part of the building plans review process	<ul style="list-style-type: none"> ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-67 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-156

No.	Regulatory Framework	Link
17.	<p>Verifying the following elements of the energy efficiency performance standards as part of the building plans review process:</p> <ul style="list-style-type: none"> • Thermal transmittance or insulation calculations for building envelopes • Solar heat gain calculations for building envelope • Glazing factors for fenestration • Daylighting and orientation • Permanent shading 	<ul style="list-style-type: none"> ➤ Code of Practice for Overall Thermal Transfer Value in Buildings 1995 (OTTV Code) ➤ Guidelines on Design and Construction Requirements for Energy Efficiency of Residential Buildings 2014 (RTTV Guidelines)
Green Building Standards		
18.	<p>Stipulating incentives provided to builders to promote green building standards, e.g., Gross Floor Area (GFA) exemption for green/amenity features, non-mandatory/non-essential plant rooms</p>	<ul style="list-style-type: none"> ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 ➤ Joint Practice Note 1 ➤ Joint Practice Note 2

No.	Regulatory Framework	Link
<i>Gender Incentives</i>		
19.	<p>Stipulating incentives for increasing the representation of women in the following professions related to construction:</p> <ul style="list-style-type: none"> • Engineers • Architects • Surveyors • Contractors • Academia 	<p>➤ Gender Benchmark for Appointments to Government Advisory and Statutory Bodies</p>
<i>Zoning and Land Use Planning</i>		
20.	<p>Formal land use planning / zoning regulations requiring the following planning tools prior to the formal development of land:</p> <ul style="list-style-type: none"> • Requirements for trunk infrastructure service access (water, electricity, sanitation) • Maps that identify areas allocated to residential, commercial, agricultural, recreational, public/institutional, mixed use • Hazard maps that identify areas in which building is not permitted due to natural hazards • Hazard maps that identify minimum separation between residential and hazardous occupancies • Maps that identify areas in which building is not permitted in relation to natural resources 	<p>➤ Cap. 131 Town Planning Ordinance</p> <p>➤ Town Planning Board Website</p> <p>➤ Town Planning Board Statutory Planning Portal 3</p>

Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

Business Location - Building Permits

No.	Public Services	Link
<i>Building Permits and Environmental Licences</i>		
1.	<p>Online platform for issuing building authorisations</p> <p>Features:</p> <ul style="list-style-type: none">• Integrates authorizations from all relevant agencies from organizations outside of the planning/building departments• Online communication• Online notification• Online submission• Auto-generated checklist of requirements for each step of plan approval• Formation of project team with common collaborative environment for drafting submission• A record keeping system via project directory and plan index to easily view and search the project records• Tools for digital signing documents in batch• Online tracking of status and contact details of responsible officers• Raise dispute on final decisions on building permit	<p>➤ Electronic Submission Hub</p>

No.	Public Services	Link
Transparency of Information		
2.	Updated planning and building control regulations available online and free of charge	<ul style="list-style-type: none"> ➤ Town Planning Board Website ➤ Town Planning Board Statutory Planning Portal 3 ➤ Buildings Department Website - Practice notes and circular letters ➤ Buildings Department Website - Codes, design manuals and guidelines ➤ Buildings Department Website - Legal matters
3.	<p>Requirements to obtain building related permits, including:</p> <ul style="list-style-type: none"> • All required pre-approvals of the drawings/plans by the relevant agencies (i.e., electrical, water, sewerage, environmental, etc.) • List of required documents necessary to obtain a building permit (i.e., land ownership certificate, types of drawings and plans, etc.) • List of required documents necessary to obtain an occupancy permit 	<ul style="list-style-type: none"> ➤ Buildings Department Website - Practice notes and circular letters ➤ Buildings Department Website - Codes, design manuals and guidelines ➤ Section 21, Cap. 123 Buildings Ordinance ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) ADM-19 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-97 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-13

No.	Public Services	Link
4.	Updated online fee schedule for all types of construction	<ul style="list-style-type: none"> ➤ Buildings Department Website - Schedule of Fees and Charges ➤ Section 42, Cap. 123A Building (Administration) Regulations
5.	Statistics tracking the number and type of issued building permits since 2005	<ul style="list-style-type: none"> ➤ Monthly Digest ➤ Summary of Gross Floor Area (GFA) Concessions and Related Information of Private Developments
Zoning		
6.	Zoning plan and guideline <ul style="list-style-type: none"> • Updated City master plan/zoning plan in the last 10 years • Clearly defined steps to modifying the zoning/land use plan 	<ul style="list-style-type: none"> ➤ Town Planning Board Website – Statutory Plans ➤ Town Planning Board Website – Application Guide ➤ Town Planning Board Website – Town Planning Board Guidelines