

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
<i>Building Standards and Code</i>		
1.	<p>Legal framework encompassing all legislation, regulations, and standards pertaining to building construction, and including the following building standards and codes:</p> <ul style="list-style-type: none"> • Structural Resilience of construction standard (e.g. to safeguard against earthquakes or other natural disasters) • Fire safety that needs to be adhered to in all construction • Accessibility and Inclusivity standard applicable to all construction • Health and Sanitation Requirements standard applicable to all construction • Energy Efficiency in Building Design and Sustainability standard applicable to all construction • Building Classification standard (i.e. criteria for categorizing buildings based on their use, occupancy type, and size) 	<p>➤ Cap. 123 Buildings Ordinance</p>

No.	Regulatory Framework	Link
	<ul style="list-style-type: none"> • Land Use Regulations standard (i.e. zoning regulations to govern land use, density, setbacks, and other development parameters) • Quality Assurance Inspections and Compliance Enforcement standard in all construction • Maintenance and Renovation Requirements standard applicable to all construction 	
<i>Permits of Hazardous Materials</i>		
2.	Requiring permits for handling, removing, or disposing of hazardous construction materials (e.g. asbestos, lead, mercury devices, or polychlorinated biphenyls [PCB])	<ul style="list-style-type: none"> ➤ Sections 69-79, Cap.311 Air Pollution Control Ordinance ➤ Sections 10, 11, 16, 17, 21, 22 and 23, Cap. 354 Waste Disposal Ordinance and Cap. 354C Waste Disposal (Chemical Waste) (General) Regulation
<i>Verification of Building Plans</i>		
3.	Public agency responsible for verifying that building plans comply with existing building regulations	➤ Section 14, Cap. 123 Buildings Ordinance
4.	Architectural and engineering firms, hired by the builder as independent third-party professionals, responsible for ensuring that building plans comply with current building regulations	➤ Section 18A, Cap. 123A Building (Administration) Regulations
<i>Professional Qualifications</i>		
5.	Requiring an architect or engineer to conduct technical supervisions/inspections of construction projects	➤ Sections 3 and 4, Cap. 123 Buildings Ordinance

No.	Regulatory Framework	Link
6.	Requiring the following conditions in order for a professional being eligible to conduct technical inspections of construction projects: <ul style="list-style-type: none"> • A mandatory exam (besides the university degree) • Minimum number of years of practical experience • Being a registered member of the order (association) of architects or civil engineers 	<ul style="list-style-type: none"> ➤ Sections 3 and 4, Cap. 123 Buildings Ordinance ➤ Sections 3(1), (2) and (6), Cap. 123A Building (Administration) Regulations
<i>Inspections during Construction</i>		
7.	Mandating inspections on a regular basis (weekly, monthly, quarterly) or during different phases of the construction process to assure structural safety	<ul style="list-style-type: none"> ➤ Section 39A, Cap. 123 Buildings Ordinance ➤ Technical Memorandum for Supervision Plans 2009 ➤ Code of Practice for Site Supervision 2009 (2024 Edition)
8.	Mandating different types of inspections during construction to assure structural safety depending on the risk level of the construction and its use (risk-based inspections)	<ul style="list-style-type: none"> ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-157 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-158 ➤ Practice Note for Registered Contractors 76 ➤ Practice Note for Registered Contractors 77

No.	Regulatory Framework	Link
9.	Parties legally responsible for conducting these inspections during construction: <ul style="list-style-type: none"> • Self-certification (i.e. the building company inspects itself) • A third-party engineer or engineering firm • Governmental agencies, such as the municipal building department 	➤ Sections 4(3), 9(5) and 22, Cap. 123 Buildings Ordinance
10.	Requiring a final inspection of the construction before a building can be occupied	➤ Section 21, Cap. 123 Buildings Ordinance ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-78
<i>Liability for Structural Defects</i>		
11.	Regulating liability when structural defects are detected after the completion of a construction project	➤ Sections 7, 13 and 40, Cap. 123 Buildings Ordinance ➤ Practice Notes for Authorized Persons, Registered Structural Engineer and Registered Geotechnical Engineer ADV-37
12.	Parties held liable for structural problems that surface during or after construction of a building: <ul style="list-style-type: none"> • Architects or engineers from the construction company • A third-party engineer or engineering firm that conducted the inspections during construction • The government agency, such as the municipal building department 	➤ Practice Notes for Registered Contractors 79

No.	Regulatory Framework	Link
Occupancy Permit		
13.	Requiring an occupancy permit (also called 入伙紙) before a building can be occupied	➤ Section 21(1), Cap. 123 Buildings Ordinance
Enforcement of Building Codes		
14.	Mandating that appeals regarding building permits, inspections, or compliance be handled by an independent third-party agency	➤ Section 48, Cap. 123 Buildings Ordinance
15.	<p>Conferring the following authority to a building control agency, in charge of enforcing building regulations:</p> <ul style="list-style-type: none"> • The authority to issue an emergency order to address immediate safety concerns of a building • The authority to issue orders to vacate premises for non-compliance with building regulations • The authority to initiate prosecution in a court of competent jurisdiction for violations of building codes • The authority to recommend the suspension or cancellation of licenses for non-compliant building practitioners to the registration body 	➤ Sections 7, 13, 26, 27 and 40, Cap. 123 Buildings Ordinance

No.	Regulatory Framework	Link
Building Energy Standards		
16.	Requiring the builder to implement minimum energy-efficiency performance standards (such as building insulation, lighting and HVAC systems, or other) outlined in the building code or in any other building regulations	<ul style="list-style-type: none"> ➤ Cap. 123M Building (Energy Efficiency) Regulation ➤ Code of Practice for Overall Thermal Transfer Value in Buildings 1995 ➤ Guidelines on Design and Construction Requirements for Energy Efficiency of Residential Buildings 2014
17.	<p>Conducting the following mandatory checks on compliance with energy-efficiency standards when applying for a building permit:</p> <ul style="list-style-type: none"> • Thermal transmittance or insulation calculations for the building envelope • Solar heat gain calculations for the building envelope • Glazing factors for fenestration • Daylighting and orientation aspects • Permanent shading 	
18.	Providing builders with either financial incentives (such as tax breaks and grants) or non-financial incentives (such as expedited permit processing or density bonuses) to promote the adoption of green building standards in new construction projects	<ul style="list-style-type: none"> ➤ Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-151 ➤ Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 ➤ Joint Practice Note 1 ➤ Joint Practice Note 2

No.	Regulatory Framework	Link
Zoning and Land Use Regulations		
19.	<p>Including the following features in the land use planning/zoning regulations for Hong Kong:</p> <ul style="list-style-type: none"> • Requirements for essential infrastructure such as water supply, electricity, sanitation or drainage systems as prerequisites for land development • Requirement of a land use map that identifies different zoning categories, such as residential, commercial, agricultural, recreational, public/institutional, or mixed use • Requirement for hazard maps which identify areas where construction is not permitted due to natural hazards • Requirement for hazard maps, which identify minimum separation between residential and hazardous occupancies • Requirement for maps that identify areas where construction is prohibited due to considerations such as conservation areas, water bodies, environmentally sensitive zones, or other natural resource-related factors 	<ul style="list-style-type: none"> ➤ Cap. 131 Town Planning Ordinance ➤ Town Planning Board Guidelines

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>Digital Public Services</i>		
1.	<p>Online platform that allows the planning/building control agency to process and issue building authorizations (such as planning approvals, building permits, and/or occupancy permits) which fully integrates authorizations from all relevant agencies from organizations outside of the planning/building control agency and provides the following features:</p> <ul style="list-style-type: none">• Online payment of fees for obtaining the building permit and/or occupancy permit through the online platform• Online communication between users and the authorities regarding permit applications• Online notifications to keep users informed about application status updates or actions required	➤ Electronic Submission Hub

No.	Public Services	Link
	<ul style="list-style-type: none"> • Submission of applications or documents required to obtain a building permit • Auto-generated checklist to help users ensure that they have completed all necessary steps to submit a building permit application • Submission of the building permit application package and issuance of building permits • Submission of the occupancy permit application package and issuance of occupancy permits 	
2.	Online dispute platform for appealing final decisions by the building control agency on building permits online	➤ Electronic Submission Hub
Information Available Online		
3.	<p>Information available online by the building permitting agencies:</p> <ul style="list-style-type: none"> • Building control regulations, accessible to all stakeholders, including residents, developers, architects, and other interested parties 	<ul style="list-style-type: none"> ➤ Town Planning Board Statutory Planning Portal 3 ➤ Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ➤ Legal matters

No.	Public Services	Link
	<ul style="list-style-type: none"> • Detailed criteria and steps necessary to obtain building permits (e.g., documentation, fees, technical specifications) • List of approvals required prior to obtaining a building permit from local service providers (like water utilities, electricity providers, etc) • List of documents required to apply for a building permit (e.g. land ownership certificate, types of drawings and plans) • List of documents required to apply for an occupancy permit (入伙紙) • An updated fee schedule for all types of construction available online and updated regularly • Official, updated statistics tracking the number of building permits issued in Hong Kong 	<ul style="list-style-type: none"> ➤ Codes and references ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ADM-19 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ADV-33 ➤ Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-13 ➤ Schedule of Fees and Charges ➤ Section 21, Cap. 123 Buildings Ordinance ➤ Monthly Digests
Zoning and Land Planning		
4.	Revised or amended master plan/zoning plan of Hong Kong within the last 10 years	➤ Town Planning Board Statutory Planning Portal 3
5.	Official procedures and steps specifically defined for the relevant authority to follow when modifying the master plan/zoning plan in Hong Kong	➤ Application Forms and Guidance Notes

No.	Public Services	Link
6.	Zoning compliance can be verified by the builder through accessible online zoning maps and is further checked by the permit issuing authority upon receipt of the building permit application, with no additional involvement required from the builder.	➤ Town Planning Board Statutory Planning Portal 3