

Temporary Buildings - Building (Planning) Regulations 50-52

Within the provisions of Building (Planning) Regulations 50(1)(a)(i) and 50(1)(a)(ii), temporary buildings fall within one or both of the following categories :

- (a) buildings required for a temporary purpose only; and
- (b) buildings constructed of short-lived materials.

ALL provisions of the Buildings Ordinance (Cap. 123) and subsidiary legislation apply to them. Thus, as far as procedures are concerned, they are subject to approval and consent, supervision by an authorized person (AP) and/or a registered structural engineer (RSE), construction by a registered contractor, certification of completion and the issue of a temporary occupation permit.

2. However, the following two aspects covered in the Building (Planning) Regulations for temporary buildings take precedence over similar provisions in the Ordinance or Building Regulations :

- (a) Plans shall be submitted with --
 - (i) a Form BA17, which replaces Form BA5 (for application for approval) and Form BA8;
 - (ii) a Form BA5 for the certificate of preparation of plans by the AP and RSE; and
 - (iii) a Form BA4 for the notice of appointment of the AP and RSE.
- (b) Upon approval of the plans, a Form BD107 is issued if the consent to commence works may also be granted. This Form replaces the approval letter S.L. 9 and Form BD103 and states the duration for which the temporary building may remain.

3. The commencement of erection of a temporary building is subject to Buildings Ordinance section 20. The works must be commenced within three months of the issue of a Form BD107, otherwise an application on Form BA9 for renewal of consent has to be made. Once erected, a temporary building may normally remain until the Form BD107 expires.

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4. As the application on Form BA17 encompasses both an application for approval of plans and an application for consent to commence works, the statutory time limits for processing both applications are regarded as running concurrently. In other words, the time limit for processing a Form BA17 application is either 60 days or 30 days, depending on whether it is a first submission or a resubmission.

5. Upon completion, a temporary building requires a temporary occupation permit (i.e. Form BD105) before it may be occupied. Application should be made on Form BA12. The conditions in the Form BD107 as to the maximum number of persons to be accommodated, the removal of the temporary building upon expiry or cancellation of the permit and the expiry date of the permit will become conditions in the temporary occupation permit.

6. Upon expiry or cancellation of the permit, the temporary building should be removed forthwith, otherwise an order under Buildings Ordinance section 24(1) may be served to require its removal. If the building remains occupied after the expiry or revocation of the temporary occupation permit, prosecution under Buildings Ordinance section 40(1) may be instigated.

7. If it is required to extend the existence of the temporary building, an application in writing should be submitted to the Building Authority with the following documents :

- (a) the original Form BD107 and Form BD105 (previously known as Form 32 and Form 24 respectively); and
- (b) a certificate from an AP and/or RSE that the building is capable of lasting the extended term (maximum five years) in safe and (if applicable) sanitary conditions for the purposes specified in the application.

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