

Conservation of Historic Buildings

This practice note provides guidelines to facilitate adaptive re-use of, alteration and addition (A&A) works to, and preservation-cum-development of historic buildings¹ (A&A proposals).

Monuments and Proposed Monuments

2. Monuments and proposed monuments are declared under the Antiquities and Monuments Ordinance (Cap. 53) by notice in the Gazette. Section 6 of Cap. 53 prohibits any works being carried out in a declared monument or a proposed monument without a permit issued by the Antiquities Authority (i.e. Secretary for Development). Without such permit, proposals involving a monument or a proposed monument may be disapproved under section 16(1)(d) of the Buildings Ordinance (BO) (Cap. 123).

3. The updated list of declared monuments and proposed monuments can be found on the website of the Antiquities and Monuments Office (AMO) (www.amo.gov.hk) of the Leisure and Cultural Services Department.

Historic Buildings

4. The Antiquities Advisory Board (AAB) has been assessing historic buildings (except monuments) according to its administrative guidelines and the following definitions of grading:

- (a) Grade 1: Buildings of outstanding merit, which every effort should be made to preserve if possible;
- (b) Grade 2: Buildings of special merit; efforts should be made to selectively preserve; and
- (c) Grade 3: Buildings of some merit; preservation in some form would be desirable and alternative means could be considered if preservation is not practicable.

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¹ For the purpose of this practice note, a historic building is taken as either a declared monument or a proposed monument defined under the Antiquities and Monuments Ordinance (Cap. 53), or a building or structure that has been graded or proposed to be graded by the Antiquities Advisory Board.

5. While graded buildings do not enjoy statutory protection under Cap. 53, preservation of privately-owned historic buildings should be encouraged. Upon receipt of A&A proposals and demolition plans of historic buildings by the Buildings Department (BD), the plans will be referred to the Commissioner for Heritage's Office (CHO) of the Development Bureau and the AMO under the centralised processing system and the established monitoring mechanism. The CHO and AMO may approach the Authorized Persons (AP) or the owners to explore viable options for conservation.

6. The updated list of graded historic buildings can be found on the websites of the AMO and AAB.

Pragmatic Approach

7. The heritage value of a historic building can be reflected by its unique character defining elements which may vary from case to case. Hence, when a project involving building works in historic building(s) is commissioned, early contact with the AMO to identify the heritage value of the building(s) and structure(s) including their character defining elements should be made. Successful conservation of historic buildings requires an optimal balance of the requirements on conservation, limitations of the existing buildings, selection of appropriate adaptive re-use, the scope and extent of A&A works, and scale and nature of redevelopment.

8. In handling these A&A proposals, the BD will adopt a pragmatic approach when considering applications for modification of or exemption from various building regulations, with due regard to the constraints posed by the original design of the existing buildings and the conservation needs of historic buildings. Basically, performance-based design alternatives may be acceptable if it can be demonstrated that equivalent levels of safety and health standards are maintained. For example, when the required strengthening works in meeting the standards of the minimum imposed loads for specific uses are so extensive that may affect the heritage value of historic buildings, the AP may consider adopting a performance-based approach and follow the guidance listed out in Section 4.2 of the Code of Practice for Dead and Imposed Loads 2011 to determine the design imposed loads for the related floors and structures.

9. The BD has issued the "Practice Guidebook for Adaptive Re-use of and Alteration and Addition Works to Heritage Buildings 2012" (Practice Guidebook) which is available on the BD's website (www.bd.gov.hk). The Practice Guidebook provides guidance to resolve common problems that may be encountered in complying with the current building safety and health requirements. Examples of alternative design options are provided in Section 5 of the Practice Guidebook to address requirements on structural safety, fire safety, protective barrier, barrier free access and provision of sanitary fitments. The BD will favourably consider such alternatives on the merits of and justifications provided for each case, and may accept with or without conditions. To facilitate processing by the BD, a list of justifications and information that should be submitted for some typical modifications/exemptions is detailed in Appendix A for reference.

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Submissions and Enquiries

10. The Heritage Units (HU) in the New Buildings Divisions of the BD process these A&A proposals and provide technical support to the CHO's Revitalising Historic Buildings Through Partnership Scheme. The HU also handle enquiries on issues relating to heritage conservation and compliance with the requirements of the building regulations under the established pre-submission enquiry mechanism promulgated in the PNAP ADM-19.

(HUI Siu-wai)
Building Authority

Ref.: BD GR/1-130/1/0 (XIII)

This PNAP is previously known as PNAP 175

First issue January 1995

Last revision May 2009

This revision January 2016 (AD/NB1 & AD/NB2) (General revamp)

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List of Justifications and Information for Application for Modifications of / Exemptions from Relevant Statutory Requirements

In the conservation of historic buildings, the following checklist is for Authorized Persons' reference in giving justifications and information to the Building Authority to support the application under Section 42 of the Buildings Ordinance (BO) for modification of or exemption from the following statutory requirements to accommodate the commonly encountered circumstances or justify alternative designs including those exemplified in the "Practice Guidebook for Adaptive Re-use of and Alteration and Addition Works to Heritage Buildings 2012" (Practice Guidebook).

Noting the circumstances of each case such as the difficulties encountered in meeting the relevant requirements, the cumulative number of non-conformities involved when the building is considered holistically, character-defining elements identified, etc. may vary from case to case, the Buildings Department may require justifications additional to those listed below on case merits.

Legends

- To be shown on the submitted plans
- To be submitted separately

Table A: List of items directly required under the BO and allied regulations

1.	<p>BO Section 31(1) – the preserved verandahs / balconies to project over street</p> <ul style="list-style-type: none"> <input type="checkbox"/> Critical dimensions of clear height over pavement / street, projection, and width of the pavement and carriageway <input type="checkbox"/> Areas of the retained verandahs / balconies included in the gross floor area (GFA) calculations <input type="radio"/> Supporting letter from the Antiquities and Monuments Office (AMO) from the heritage conservation point of view
2.	<p>Building (Administration) Regulation 29(1A) – exemption from the payment of plan processing fees for projects under the "Revitalising Historic Buildings Through Partnership Scheme" of the Development Bureau (DEVB) (exemption for charitable uses are covered by PNAP APP-55)</p> <ul style="list-style-type: none"> <input type="radio"/> Supporting documents such as the appointment letter by DEVB
3.	<p>Building (Construction) Regulation (B(C)R) 8(2)(b), 8(2)(c), 8(3) – existing protective barriers with height less than 1100mm but not less than 900mm high, with gaps marginally wider than 100mm, or with solid curb less than 150mm for premises not used primarily by children or the elderly</p> <ul style="list-style-type: none"> <input type="checkbox"/> Details, construction materials and locations for all types of existing designs <input type="checkbox"/> For verandahs or balconies, compliance with the requirements and provision of compensatory measures in accordance with Section 5.30(d) and 5.30(e) of the Practice Guidebook <input type="checkbox"/> For staircases, compliance with requirements and provision of compensatory measures in accordance with Section 5.30(f) of the Practice Guidebook <input type="radio"/> A management plan¹ and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing protective barriers

¹ A management plan should be prepared in accordance with Appendix III of the Practice Guidebook

4.	<p>B(C)R 17(1) – inadequate structural strength of existing floors to sustain the minimum imposed loads for specific uses prescribed in Table 1 of the B(C)R</p> <ul style="list-style-type: none"> <input type="checkbox"/> Floor layouts and details including the locations, materials and dimensions of all fixtures, such as partition, furniture, railing, equipment and plant, etc., that are related to the establishment of the design imposed loads for the floor concerned <input type="radio"/> Evaluation on the greatest applied load likely to arise from the intended use of the related floor, taking into consideration of any possible assembly of people, accumulation of equipment, display items, furnishings and storage of materials, etc. (References can be made to Section 4.2 of the Code of Practice for Dead and Imposed Loads 2011 (Loading Code 2011) and Section 5.8 of the Practice Guidebook) <input type="radio"/> An assessment on the structural viability of the intended use of the floor and the condition of the concerned existing structural elements <input type="radio"/> A management plan¹, if applicable, in accordance with Appendix III of the Practice Guidebook giving details of effective management measures to control the population of occupants² together with a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of the related existing floors or structures
5.	<p>B(C)R 17(3) – inadequate structural strength of existing protective barriers to resist the minimum horizontal imposed loads</p> <ul style="list-style-type: none"> <input type="checkbox"/> Structural details, types and strengths of construction materials, and locations of the existing protective barriers including their supporting structures <input type="radio"/> An assessment on the structural viability of the proposal and the condition of the concerned existing structural elements <input type="radio"/> Justifications on the categorisation of movement of persons. A performance-based approach may be adopted to establish the design imposed loads on the existing protective barriers for the adaptive re-use at historic buildings. Such design approach should be accompanied with reliable and effective management measures which demonstrate the congregation of people at the specific areas of historic buildings is not expected so that appropriate category of loading assumption shown in Table 3 of the B(C)R could be adopted in verifying the structural strength of existing protective barriers. Reference can be made to Section 4.2 of the Loading Code 2011 <input type="radio"/> A management plan¹, if applicable, and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing protective barriers
6.	<p>Building (Planning) Regulation (B(P)R) 3A – existing heights of window sills or bottom of openings less than 1100mm from floor</p> <ul style="list-style-type: none"> <input type="checkbox"/> Existing opening at a height not less than 900mm from floor <input type="checkbox"/> Compliance with requirements and provision of compensatory measures in accordance with Section 5.30(e) of the Practice Guidebook <input type="radio"/> A management plan¹ and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing window openings
7.	<p>B(P)Rs 30, 31 and 32 – inadequate provision of natural lighting and ventilation in habitable rooms and domestic kitchens</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with the requirements in accordance with PNAP APP-130
8.	<p>B(P)R 41D – non-provision or deficiency of emergency vehicular access (EVA)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Details of the proposed EVA in accordance with PNAP APP-136. <input type="radio"/> Justification by a fire safety assessment report in accordance with FS Code 2011 <input type="radio"/> Enhanced fire safety measures to compensate for the deficiency of the EVA

² The Building Authority recognises actual counting as a reliable way to establish the occupant capacity of a building in accordance with Note 3 of Table B1 of the Code of Practice for Fire Safety in Buildings 2011 (FS Code 2011). Justifications for actual counting of occupants as well as details of effective management measures to control the population of occupants should be submitted for consideration.

9.	<p>Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation 39 – non-provision of gutters and rainwater down pipes to existing roofs</p> <ul style="list-style-type: none"> <input type="checkbox"/> Rainwater from the existing roof will discharge to drainage system within the site <input type="radio"/> Hardship in making such provisions and nuisance not created <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view
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Table B: List of items required under regulations and the relevant codes

1.	<p>B(C)R 9A and the Code of Practice for Building Works for Lifts and Escalators 2011 – deviation from the requirements on dimensions of lift pit, lift machine room, lift well and lift car</p> <ul style="list-style-type: none"> <input type="radio"/> A letter from a registered lift contractor or a registered lift engineer confirming that: <ul style="list-style-type: none"> - The lifts and lift installations can be accommodated in the proposed lift wells and lift machine rooms - The future maintenance, repair, major alterations, replacement, examination and testing of lifts and lift installations can be carried out in the proposed lift wells and machine rooms safely and without difficulty - The lift installations are in full compliance with the Code of Practice on the Design and Construction of Lifts and Escalators issued under the Lifts and Escalators (Safety) Ordinance (Cap. 327)
2	<p>B(C)R 90, B(P)Rs 41(1) & 41A and FS Code 2011 – existing required staircase of timber construction</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with the requirements and provision of compensatory measures in accordance with Section 5.20 of the Practice Guidebook <input type="radio"/> A management plan¹ and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing staircases
3	<p>B(C)R 90 and FS Code 2011 – retention of existing timber roof</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with the requirements and provision of compensatory measures in accordance with Section 5.22 of the Practice Guidebook <input type="radio"/> A management plan¹ and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing timber roof
4	<p>B(P)R 41(1) and FS Code 2011 – existing required staircase less than 1050mm wide</p> <ul style="list-style-type: none"> <input type="checkbox"/> Width of staircase not less than 860mm provided that at least one of the required staircases is FS Code 2011 compliant when more than one exit staircase is required <input type="checkbox"/> Compliance with the requirements and provision of compensatory measures in accordance with Section 5.13(b) of the Practice Guidebook <input type="radio"/> A management plan¹ giving details of effective management measures to control the population of occupants² together with a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing staircases
5	<p>B(P)Rs 39 & 41(1) and FS Code 2011 – existing required staircase with winder and its risers and treads not complying with the requirements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with the requirements and provision of compensatory measures in accordance with Section 5.14(b) of the Practice Guidebook <input type="radio"/> A management plan¹ and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing staircases

6	<p>B(P)Rs 39 & 41(1) and FS Code 2011 – existing flight of a required staircase >16 but ≤18 risers</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with the requirements and provision of compensatory measures in accordance with Section 5.15 of the Practice Guidebook <input type="radio"/> A management plan¹ and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing staircases
7	<p>B(P)R 41(1) and FS Code 2011 – existing required staircase serving upper floors continued directly to basement for premises not used primarily by children or elderly</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliance with the requirements and provision of compensatory measures in accordance with Section 5.17(b) of the Practice Guidebook <input type="radio"/> A management plan¹ and a relevant undertaking letter from the owner <input type="radio"/> Supporting letter from the AMO from the heritage conservation point of view <input type="radio"/> Photos of existing staircases