



**Buildings Department**



**Lands Department**



**Planning Department**

Joint Practice Note No. 2

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## **Second Package of Incentives to Promote Green and Innovative Buildings**

### **Introduction**

Following the issue of the Joint Practice Note No.1 (JPN1) in February 2001, this is the second of a series of practice notes to be issued to promote the construction of green and innovative buildings. The objective, application and conditions for submission remain unchanged.

### **Exemption of the Second Package of Green and Innovative Features from GFA and SC Calculations**

#### **Under Buildings Ordinance**

2. The following green features may upon application and subject to conditions be exempted from Gross Floor Area (GFA) and/or Site Coverage (SC) calculations under the Buildings Ordinance:

- (a) Non-structural prefabricated external walls;
- (b) Utility platforms;
- (c) Mail delivery rooms with mailboxes;
- (d) Noise barriers; and
- (e) Communal sky gardens for non-residential buildings.

/3. Criteria...

3. Criteria and conditions for exempting the above green features are listed in Appendix A. Prefabricated external walls are similar to curtain walls; utility platforms are similar to air conditioning platforms and noise barriers are not attached to the main tower. As such, only the area of mail delivery room with mailboxes which has been exempted from GFA will need to be included in the calculation of the cumulative GFA exemption and be confined by the 8% cap as stipulated under JPN1. As in JPN1, the provision of sky garden would not be subjected to the 8% GFA cap.

4. Subject to compliance with the requirements of the Town Planning Ordinance, the above exemptions under the Buildings Ordinance may be given prior to completion of any lease modification and payment of premium as may be required under lease conditions.

#### **Under Lease Conditions**

5. For new auction and tender sites with GFA and/or SC restrictions, a suitable clause will be included in the Conditions of Sale / Grant allowing the green features mentioned in para. 2(a) to (e) above to be excluded from the calculations of GFA and/or SC, without the payment of a premium.

6. For all other sites including lease modifications, land exchanges and private treaty grants with GFA and/or SC restrictions, LandsD will insert a suitable clause in the new land grant documents allowing the said green features to be excluded from the calculations of GFA and/or SC subject to the charging of premium as set out below: -

- (a) Premium will be charged for prefabricated walls based on the gain in usable floor area except those cases where curtain walls are already exempted from GFA calculations in the existing leases. LandsD Practice Note will be issued separately.
- (b) Similar to the balconies as promulgated under JPN1, standard premium will be charged for the utility platforms. LandsD Practice Note will be issued separately.

/(c) Nil...

- (c) Nil premium will be charged for mail delivery rooms.
- (d) Exemption of the noise barrier from GFA and/or SC calculations under the lease may have premium implication. Each case will be examined on an individual basis.
- (e) Nil premium will be charged for communal sky garden which will be strictly prohibited from commercial activities pursuant to paragraph 1(e)(iv) of Appendix A.

#### **Under Town Planning Ordinance**

7. PlanD will adopt the same criteria and conditions for the exemption of the green features from GFA and/or SC calculations as set out in para. 3 above and Appendix A, subject to there being no contravention with restrictions on building height and/or SC, if any, stipulated on the relevant Outline Zoning Plan (OZP) / Development Permission Area Plan (DPAP). There may be situations where the provision of sky garden may result in building height and/or SC exceeding that permitted under the OZP/DPAP. In such cases, an application to the Town Planning Board for minor relaxation (if such a provision is available under the OZP/DPAP) will be required.

8. Procedures regarding minor amendments to approved schemes and enquiries remain unchanged.

#### **Misuse of Incentives**

9. An occupation permit will not be issued unless there is evidence indicating that the following conditions of exemption have been complied with:

- (a) The green features are separately listed in the sales brochure, as detailed in paragraph 2(a) of Appendix A, if the sale of the development takes place before the issue of an occupation permit; and
- (b) The required undertaking as detailed in paragraph 2(b) of Appendix A is registered in the Land Registry.

10. The government will monitor the use of the features and will take enforcement action, including prosecution, against non-compliance with the following conditions of exemption:

- (a) The green features are separately listed in the sales brochure, as detailed in paragraph 2(a) of Appendix A, if the sale of the development takes place after the issue of an occupation permit;
- (b) Utility platforms are not to be enclosed above parapet height; or
- (c) Sky gardens are for the exclusive use of owners, tenants and their visitors only as detailed in paragraph 2(d) of Appendix A.

11. Developers should remind purchasers of the consequence of any misuse of the above incentives.

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**Criteria and Conditions for Exempting the Second Package of Green and Innovative Features from GFA/SC Calculation**

1. Specific criteria for exempting the second package of green and innovative features are detailed below. For the avoidance of doubt, application of incentives to residential buildings where described does not apply to the non-domestic portion of a composite building. Furthermore, residential accommodation for commercial use such as hotels and service apartments does not qualify for the exemption.

**(a) Non-structural Prefabricated External Walls**

Application for exemption of non-structural prefabricated external walls from GFA and SC calculations will be favourably considered where such provision meets the following criteria:

- (i) It is non-load bearing and satisfies the design requirements similar to that for curtain walls as stipulated in Building (Construction) Regulations 42 and 43 except for the connections<sup>1</sup>;
- (ii) The maximum thickness of the wall to be exempted is 300mm;
- (iii) It does not project beyond the lot boundary; and
- (iv) Prefabricated external walls having prefabricated projecting windows may also be exempted from GFA and SC calculations provided the maximum thickness of the wall to be exempted is 300mm as mentioned in paragraph (a)(ii) above and the design of the projecting windows satisfies the criteria stipulated under PNAP 68. (See illustration at Appendix B)

**(b) Utility Platforms**

Application for exemption of utility platforms from GFA and SC calculations will be favourably considered where such provision meets the following criteria:

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**Footnote**

1. The prefabricated external walls may be fixed to the load-bearing structure by:
- (a) in-situ reinforced concrete joints; or
  - (b) cast-in anchorage in a structural concrete member; or
  - (c) being welded to a structural steel member

/(i) Only...

- (i) Only applicable to residential buildings;
- (ii) The maximum area to be exempted for such platform including portion of such platform per residential unit is 1.5m<sup>2</sup>;
- (iii) It faces a well ventilated space for clothes drying purpose;<sup>1</sup>
- (iv) It is open on at least two sides or one long side if the utility platform is combined with an air conditioning platform or balcony for the same residential unit, or with another utility platform. In the latter case, any separation between the different uses, if provided, is of parapet height only;
- (v) It is not located in a light well;<sup>2</sup>
- (vi) It does not adversely affect the natural lighting and ventilation provisions to other habitable space including kitchen;
- (vii) It does not project beyond the lot boundary;
- (viii) There is a minimum of 150mm drop in level from the adjacent interior space; and
- (ix) Parapets are of open design such as railing, perforated sheet or mesh so as not to block natural ventilation.<sup>3</sup>

**(c) Mail Delivery Rooms with Mailboxes**

Application for exemption of mail delivery rooms with mailboxes from GFA calculation will be favourably considered where such provision meets the following criteria:

- (i) Only applicable to residential buildings;
- (ii) It is located in a common area of residential buildings and designated as a common area in the Deed of Mutual Covenant; and
- (iii) It is not excessive in size. As a general guide, an area of 16m<sup>2</sup> may be allowed for a block size of 320 flats.<sup>4</sup>

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Footnotes

1. The utility platform may be accessible through a door opening and may be provided with a water supply point and sink. Open air (as defined under Building (Planning) Regulation 2), other than a light well, may be accepted as a well ventilated space.
2. A re-entrant with a clear width less than 1500 mm is deemed to be a light well.
3. Notwithstanding this criterion, the lowermost 400 mm of such parapets can be of solid construction. The overall design must comply with the relevant fire codes and the acceptance criterion is similar to that for a balcony as described in PNAP 260.
4. Recommended size of mailbox is 100mm x 300mm x 400mm (depth). Recommended width for passage in the mail delivery area is 1200mm. Provision of some form of lighting and ventilation to facilitate delivery service within the mail delivery room is recommended.

/For...

For the avoidance of doubt, the area to be exempted may include the mail delivery room and the area occupied by the mailboxes but not the area or room in front of the mailboxes.

**(d) Noise barriers**

Application for exemption of noise barriers from GFA and SC calculations will be favourably considered where such provision meets the following criteria:<sup>1</sup>

- (i) It may be a stand-alone wall, with or without projection, and located away from the main tower, or in the form of cantilevered acoustic panel from external walls of the podium;
- (ii) Where it projects beyond the lot boundary, approvals from the relevant government departments are given;
- (iii) It is not to be used for any commercial purposes, and
- (iv) The size to be exempted from GFA and SC calculations will be assessed on a case-by-case basis with substantiating justifications.

GFA exemption is not accorded to a non-noise sensitive building used as a noise buffer.

**(e) Communal Sky Gardens for Non-residential Buildings**

Application for exemption of sky gardens from GFA calculations will be favourably considered where such provision meets the following criteria:

- (i) The same criteria as for communal sky gardens in residential buildings in JPN no.1 are applicable except where amended or expanded in the following paragraphs;
- (ii) In addition to any podium garden, the maximum number of sky gardens provided is equal to or less than the number of storeys divided by 20;

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Footnote

1. This exemption should not be taken as means to alleviate the need of combating noise at source. Reference can be made to the guidelines issued by the Environmental Protection Department and the Highways Department which are available from their respective websites: [www.info.gov.hk/epd/noise/planning.html](http://www.info.gov.hk/epd/noise/planning.html) and [www.hyd.gov.hk/publications/index.html](http://www.hyd.gov.hk/publications/index.html).

/(iii) Active...

- (iii) Active recreational use is permissible except where the sky garden is located in an industrial building;
- (iv) A notice specifying that the garden is for communal use and that commercial activities within the garden such as café and shops are strictly prohibited, is posted at a prominent location at the garden;
- (v) All trees, furniture and equipment are fixed to floors, walls or similar permanent constructions.<sup>1</sup>

2. Upon granting a modification to exempt the green features from GFA and/or SC calculations, the Building Authority shall, where appropriate, impose the following conditions:

- (a) Where green and innovative features have been exempted from GFA calculation, such items and their use together with a schedule listing the corresponding areas so exempted must be clearly stated in the Sales Brochure.

Where the green feature(s) are included in the saleable area of a property, such inclusion shall also be clearly stated in the Sales Brochure. On the day on which the Sales Brochure in respect of the development is made available for collection by the general public, a copy of the brochure shall be deposited with BD for record.

- (b) The undertaking required to be submitted in support of an application for exemption is to be registered in the Land Registry before the application for an occupation permit is submitted. Such undertaking may include:
  - (i) A letter of undertaking from the Developer to separately list all the green features in the Sales Brochure;

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Footnote

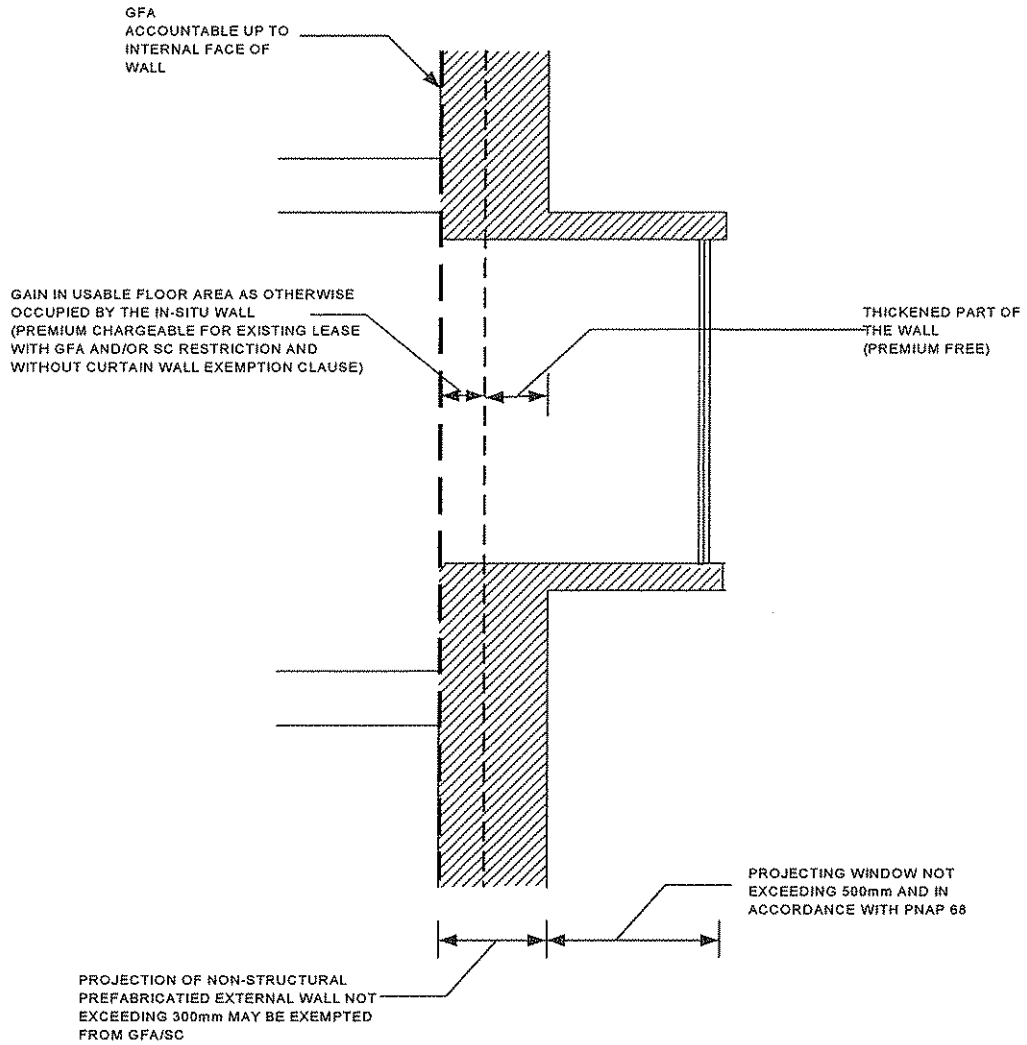
- 1. AP/RSEs are recommended to ensure that all trees, furniture and equipment can withstand typhoon conditions.

/(ii) A...



- (ii) A letter of undertaking from the Developer designating utility platforms as 'non-enclosed areas' and the mail delivery rooms with mail boxes and sky gardens as 'common areas' in the Deed of Mutual Covenant (DMC) with details of the use and location clearly indicated. Such DMC should contain binding and enforceable conditions for the control, operation, financial support and maintenance for such features. Where no DMC is to be in force for a development, such designation shall be incorporated into the Sales and Purchase Agreement or the Tenancy Agreement such that the future owners or tenants are aware of their rights and liabilities.
- (c) Utility platforms shall not be enclosed above parapet height.
- (d) Sky gardens shall be for the exclusive use of the owners, tenants and their visitors only as indicated on the approved plans and such areas shall not be used for any purpose or by any other persons without the prior consent of the Building Authority.

Diagrams for Non-Structural Prefabricated External Walls



**SECTION**

### Diagrams for Non-Structural Prefabricated External Walls

