

立法會
Legislative Council

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by the Administration)

Ref : CB1/PL/DEV/1

Panel on Development

**Extract from the minutes of meeting
held on Tuesday, 27 May 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Miriam LAU Kin-yee, GBS, JP
Hon CHOY So-yuk, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon Daniel LAM Wai-keung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
- Members attending** : Hon CHAN Yuen-han, SBS, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip

**Public officers
attending**

: Agenda item IV

Mrs Carrie LAM
Secretary for Development

Mrs Susan MAK
Deputy Secretary for Development
(Planning & Lands) 1

Mr K K LING
Principal Assistant Secretary for Development (Planning
& Lands) 5

Mrs Ava NG
Director of Planning

Mr YIP Sai-chor
Head of Civil Engineering Office

Agenda item V

Mrs Carrie LAM
Secretary for Development

Mr K K LING
Principal Assistant Secretary for Development (Planning
& Lands) 5

Mrs Ava NG
Director of Planning

Mr Raymond LEE
Assistant Director of Planning/Territorial (Acting)

Agenda item VI

Mrs Carrie LAM
Secretary for Development

Mr Tommy YUEN
Deputy Secretary for Development
(Planning & Lands) 2

Mr Edward TO
Principal Assistant Secretary for Development (Planning
& Lands) 3

Mr CHEUNG Hau-wai
Director of Buildings

Agenda item VII

Mr MAK Chai-kwong
Permanent Secretary for Development (Works)

Mr CHAN Yun-cheung
Principal Assistant Secretary for Development (Works) 3

Mr MA Lee-tak
Director of Water Supplies

Mr NG Mang-tung, Bobby
Assistant Director of Water Supplies/Development

Agenda item VIII

Mr MAK Chai-kwong
Permanent Secretary for Development (Works)

Mr CHAN Yun-cheung
Principal Assistant Secretary for Development (Works) 3

Mr MA Lee-tak
Director of Water Supplies

Mr KONG Kwok-ching
Chief Engineer/Consultants Management
Water Supplies Development

Agenda item IX

Mr MAK Chai-kwong
Permanent Secretary for Development (Works)

Mr WONG Ming-to
Principal Assistant Secretary for Development (Works) 2

Mr CHAN Chi-chiu
Project Manager /New Territories North & West
Civil Engineering and Development Department

Mr SIU Sau-ching
Chief Engineer/New Territories West
Civil Engineering and Development Department

Mr YIP Hung-wai
Senior Engineer/Tai Po & North 2
Civil Engineering and Development Department

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Mr WONG Siu-yee
Senior Council Secretary (1)7

Ms Christina SHIU
Legislative Assistant (1)7

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VI Review of the measures to promote green features in building developments

(LC Paper No. CB(1)1602/07-08(04) -- Information paper provided by the Administration)

28. SDEV highlighted that increased building height and bulk for developments could be attributed to three factors, namely non-accountable gross floor area (GFA) granted under regulation 23(3)(b) of the Building (Planning) Regulations for facilities such as parking area, loading and unloading area and lift lobby; bonus GFA granted for the provision of public passage in private developments; and exemption from GFA and site coverage calculations for green features. As such, a review of measures to promote green features in building developments alone would not suffice. The Administration would engage the stakeholders and community in more active and in-depth discussion once the Interdepartmental Working Group (WG) had completed its studies and review of the matter.

(Post-meeting note: SDEV's speaking note (LC Paper No. CB(1)1721/07-08(01)) was subsequently issued to members on 30 May 2008.)

29. Mr Albert HO expressed support for the Administration's adoption of a comprehensive approach in reviewing the measures to promote green features in conjunction with the other two types of measures affecting the building bulk as mentioned by SDEV, and enquired about the timetable of the review. He considered that the Administration should have clear criteria for granting GFA exemption or bonus. He considered it too generous to exempt all the GFA of the specified green features because such features would directly enhance the value of those properties. He also expressed concern on exempting the GFA of clubhouses and asked whether the review would include this aspect.

30. In response, SDEV said that the survey conducted by the WG revealed that the provision of most of these green features would be an important factor in the respondents' consideration of purchasing a residential unit. While a cap for the cumulative exemption of GFA for green features was already present, the aggregate effect of the abovementioned three types of measures whereby GFA exemption/bonus might be granted was the crux. The review would also revisit the cap of exemption for various green features and re-examine GFA exemption of clubhouse, which was granted by the Building Authority under section 42 of the Buildings Ordinance as a general policy rather than on an individual basis. The Administration would consult the public in the second half of 2008 and take forward the matter as soon as possible, if there was community consensus. The Director of Buildings (DB) added that GFA exemption of clubhouse was a measure to enhance the living environment of the residents. There were clear criteria for granting exemption. For instance, the GFA of the clubhouse should not be more than 5% of that of the development, the clubhouse should be used by residents of the development concerned and its design requirements were clearly specified in the relevant Practice Note. The whole process was transparent.

31. Dr KWOK Ka-ki said that although the intention of the policy was good, developers were the ones to benefit most because the saleable areas of properties were inflated by the presence of green features. The Administration should plug the loophole and should protect the rights of property purchasers by enhancing the measures governing the sale of uncompleted residential flats. He also considered that the policy had its social costs in that the increase in building bulk as a result of the GFA exemption would aggravate development intensity and might affect the provision of public open space. He shared the view that it was inappropriate to exempt all the GFA of green features.

32. In response, SDEV said that the policy was implemented based on clear criteria and conditions set out in the relevant Joint Practice Notes. Developers were required to pay additional premium for certain green features according to standard rates, unless the land leases concerned were unrestricted leases or without restrictions on the maximum GFA. The process was transparent and there was no loophole. The Transport and Housing Bureau protected the rights of property purchasers by requiring developers to provide sufficient information in the sales brochures of residential properties. She concurred that the impact of the increase in building bulk needed to be addressed and in this respect, the policy on

promotion of green features might go counter to other policies aiming to achieve quality living environment. As such, a comprehensive review was necessary.

33. Mr CHAN Kam-lam said that the policy had enhanced the living environment of residents concerned. The provision of communal facilities for residents such as clubhouses and swimming pools in the developments concerned could supplement similar public facilities. In this regard, the policy had its social benefits. While developers would benefit from higher profits due to the increase in saleable area, they needed to pay higher construction costs and design costs for buildings with green features. In view of the concerns over the effects of the policy on development intensity, he expressed support for conducting the review. Nevertheless, he hoped that the room for development of green measures would not be stifled as a result of the review. He suggested that in conducting the review, the Administration should listen to the views of the real estates industry and the public, and other building designs which could help enhance the living environment should also be considered.

34. In response, SDEV thanked Mr CHAN Kam-lam for his comments and said that the Administration would strike a balance in taking the matter forward. As regards new building designs, the Buildings Department was conducting a study on sustainable building design and the findings could provide input for the review.

35. Prof Patrick LAU shared the view that the Administration should do more to promote good building designs. He said that the policy on promotion of green features in buildings had come into being only after careful consideration by the authorities involved in planning, buildings and lands. The general public also accepted the policy. The Administration should not terminate the policy. The relevant authorities had been very vigilant in granting GFA exemptions and in assessing the required land premium. He did not observe that the policy had been abused or was biased towards developers. He supported the review but the review should be as comprehensive as possible, covering also the inappropriate site coverage restrictions under the Buildings Ordinance.

36. Mr James TIEN declared interest as a developer. He said that land premium alone already accounted for two-thirds of the costs of a development project. He supported measures to promote new and sustainable buildings designs, but he found that the present regulatory regime was not conducive to promoting new building designs. He considered it important to strike a proper balance among the interests of different parties in conducting the review. On concerns about protection for property purchasers, he considered that the Administration should focus on the sale of uncompleted residential flats because potential property purchasers could not inspect uncompleted flats to obtain an idea of the efficiency ratio and had to rely solely on the information in the sales brochures.

37. Miss CHOY So-yuk said that the GFA of some green features should not be exempted because they were merely features to enhance the value of the properties. She considered that the GFA of facilities for recycling purpose should

be exempted. She also sought clarification on whether access to communal sky gardens was open to the public or limited to residents only, and whether double-glazed windows and thicker walls to reduce the noise level would be exempted.

38. In response, SDEV said that the 12 green features in the relevant Joint Practice Notes were drawn up after extensive public consultation. As regards facilities to encourage material recycling, the GFA of refuse storage and material recovery rooms would be granted exemption under the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations. DB clarified that the communal sky gardens referred to in the Joint Practice Notes were not public facilities and thus access was limited to the tenants of the buildings concerned. Under the relevant Joint Practice Note, the GFA of non-structural prefabricated external walls would be exempted. As double-glazed windows would unlikely exceed the thickness of the walls, they would be exempted in most cases.

39. Miss CHAN Yuen-han said that as the current trend was for building developments to include green features, she wondered whether it was still necessary to grant GFA exemption for green features as an incentive measure. She asked whether the Administration would terminate the existing policy. On consultation, she asked whether there would be consultation forums for the public and the real estates industry and urged the Administration to ensure transparency and maintain dialogue with the stakeholders.

40. In response, SDEV said that to ensure continuity in its policy, the Administration would not terminate or change the existing policy at this stage before completing the review. The Administration would continue with its consultation work with stakeholders. As regards whether it was still necessary to provide developers with economic incentives for providing green features given that building developments with green features were well received, she said she could not anticipate developers' decisions on whether to provide certain facilities. By way of illustration, material recovery rooms on each floor were also exempted from GFA calculation, but few developers provided such facilities in their developments.

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