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Panel on Development

Meeting on 27 July 2010

**Updated background brief on review of measures to
foster a quality and sustainable built environment**

Purpose

This paper provides background information on the review undertaken by the Administration in collaboration with the Council for Sustainable Development (SDC) on measures to foster a quality and sustainable built environment. The paper also gives a summary of the major views and concerns expressed by members during relevant discussions.

Background

Enhancement of sustainable building design

2. To find sustainable solutions to the interaction between people and the environment, SDC launched its first public engagement exercise in 2004 on, among other issues, urban living space and produced the "Report on the Engagement Process for a First Sustainable Development Strategy". In response, the Administration published "A First Sustainable Development Strategy for Hong Kong" (First Strategy) in 2005. One of the targets in the First Strategy is to maintain and review, inter alia, guidelines governing sustainable design with special regard to issues such as buildings affecting view corridors or restricting air flow.

3. The Buildings Department (BD) subsequently commissioned a consultancy study to advise on sustainable building design features that would enhance the urban living space environment. The consultant recommended certain guidelines on sustainable building design for enhancing air ventilation, pedestrian environment and greenery as well as mitigating urban heat island effect. Specifically, the guidelines recommend the provision of separation between buildings in certain large developments; provision of building setback at

street level in certain developments abutting narrow streets; and enhancement of greening in building developments.

Provision of essential, green and amenity features in buildings and gross floor area concessions

4. To facilitate and encourage developers to provide essential, green and amenity features in building developments as recommended in the guidelines, the Director of Buildings, as the Building Authority (BA), has discretion under the Buildings Ordinance (Cap. 123) to exclude these features from the development's permissible gross floor area (GFA). Examples of features covered by GFA concessions include ancillary car parks, plant rooms, balconies, sky gardens, podium gardens, areas dedicated for public passage and ancillary recreational facilities such as club houses¹. The public is, however, concerned that the various GFA concessions would increase building bulk, height and density.

5. Following the report of the Independent Committee of Inquiry on the Grand Promenade (Independent Committee) incident published in April 2006, the Government has critically reviewed the policies on GFA concessions and other measures to control building bulk, height and density. The Independent Committee opined that while the Government's policies for encouraging green and innovative buildings and more amenities, facilities and public space were praiseworthy, they undermined the control over the height, bulk and density of buildings by the granting of GFA concessions.

Energy consumption standards in buildings

6. Energy efficiency in buildings also affects the sustainability of the built environment as it helps improve local air quality and alleviate the adverse effect of climate change. The Electrical and Mechanical Services Department issued the voluntary Building Energy Codes (BEC) in 1998. With public support during a three-month consultation concluded in March 2008, the Administration put forward a proposal on the legislative framework of the mandatory implementation of the Building Energy Codes in July 2009. The Buildings Energy Efficiency Bill was introduced on 9 December 2009.

7. Apart from enforcing energy efficiency measures through legislative means, the Administration has been promoting the objective both within the Government and in the private sector. Since 2005, all new government buildings as well as major retrofitting and renovation projects have been required to comply with BEC, and to incorporate energy efficient features and renewable energy technologies into their designs where appropriate. In April 2009, the Development Bureau and the Environment Bureau jointly promulgated a

¹ The details of the various existing GFA concessions are set out at Annex B to LC Paper No. CB(1)396/08-09(05) provided by the Administration for the meeting of the Panel on Development on 19 December 2008.

comprehensive target-based environmental performance framework for new and existing government buildings. This includes targets in various environmental aspects such as energy efficiency, renewable energy, indoor air quality and greenhouse gas emission.

8. The Administration has implemented the Green Manager Scheme within Government where Green Managers are appointed to oversee green housekeeping within their offices. All bureaux and departments are required to publish annual environmental reports on their environmental policies and actions taken. An additional \$130 million was allocated in the 2009-2010 Budget to carry out works to enhance energy efficiency of government buildings and public facilities. A package of \$450 million minor works projects to improve the green performance of government buildings is being implemented.

9. Meanwhile, the Environment and Conservation Fund (ECF) allocated \$150 million to subsidize owners of residential, industrial and commercial buildings to carry out energy-cum-carbon audits. ECF also allocated \$300 million to subsidize these building owners to conduct energy efficiency projects. ECF had also provided funding support for installing green features in school campuses and premises of non-governmental organizations such as camp sites and elderly homes. These features include greening, renewable energy installations and energy-efficient devices.

10. The Administration has, in collaboration with different sectors of the community, launched various schemes to engage the public on carbon audit and water conservation with a view to achieving a sustainable built environment. The Hong Kong Green Building Council (HKGBC) was established in 2009 to promote adoption of green building standards and construction of green buildings through collaboration of the professional sector and the Administration. HKGBC will develop a distinctive green building assessment method for Hong Kong taking into consideration local characteristics. To encourage adoption of its assessment method, HKGBC plans to launch an accreditation system for industry practitioners and professionals to facilitate them to participate in the certification scheme.

Public Engagement on Measures to Foster a Quality and Sustainable Built Environment

11. Against the above background, and to gauge public views on the policy options affecting the quality and sustainability of the city's built environment, the Administration launched a public engagement exercise in collaboration with SDC on 20 June 2009, with the publication of an "Invitation for Response" (IR) document entitled "Building Design to Foster a Quality and Sustainable Built

Environment"². The public engagement exercise ended on 31 October 2009. The "Report on the Public Engagement Process on Building Design to Foster a Quality and Sustainable Built Environment" was published in June 2010.

Deliberations of the Panel on Development

12. In December 2008, the Administration briefed the Panel on Development (DEV Panel) on the major issues identified and the broad policy options in relation to the quality and sustainability of the built environment. The Administration also informed the DEV Panel that in view of the complexity of the matter, it would collaborate with SDC to conduct an extensive public engagement exercise on the subject.

13. On 28 July 2009, the Administration briefed the DEV Panel on the details of the public engagement exercise, and invited members to give comments on relevant issues. A joint meeting of the Panel on Development and the Panel on Environmental Affairs was held on 14 December 2009 to receive public views.

14. The policy and practice of granting GFA concessions had been a key issue during these discussions. While GFA concessions were considered necessary to incentivize developers to provide green features, some members were concerned that developers could gain up to 40% to 50% increase in GFAs through concessions. These extra GFAs were used to boost saleable areas of the respective development, but were not reflected in the premium. Such practice might create an impression of collusion between the Government and business. Some members considered that BA's discretion in granting GFA concessions should be tightened and closely monitored to prevent corruption or abuse, but not to the extent that small property owners would be adversely affected. However, a member pointed out that development density was already controlled through land sales conditions, so GFA concessions should not be an issue. The Administration advised that the control on GFA concessions required further debate in the community before specific measures could be developed. In fact, property owners and residents would benefit from green features in buildings provided that sufficient information was provided in the sales brochures.

15. Members also expressed the following concerns and views during the DEV Panel and joint panel meetings in 2009 when the public engagement exercise was discussed --

² The IR document is the Annex to LC Paper No. CB(1)2342/08-09(01) provided by the Administration for the meeting of the Panel on Development on 28 July 2009.

General issues

- (a) Controlling plot ratio and GFA concessions alone would not suffice in promoting sustainable built environment because the concept of green buildings covered a wide range of factors.
- (b) If the policy was too stringent, the pace of urban renewal would be affected. Over-control might also lead to dull and monotonous buildings.
- (c) Measures to create a sustainable built environment should benefit all instead of only well-off people. Careful planning was necessary to create such an environment.
- (d) Non-controversial measures such as greening and building setback should be implemented first.
- (e) The Administration should consider providing incentives to owners to further step up the promotion of energy efficiency and greening measures.
- (f) The Administration should conduct studies on development density on a district basis and impose development controls through Outline Zoning Plans (OZPs). Some OZPs only imposed control over building height which alone was inadequate to control the outturn building bulk.
- (g) Review of the Buildings Ordinance, Building Regulations and the Town Planning Board might also be required to tackle the subject matter in a comprehensive manner.
- (h) Without comprehensive planning for the developments in each district based on environmental and conservation policies, the public engagement exercise would be futile.
- (i) Open space on sites not zoned as "Open Space" should be properly accounted for so as to accurately reflect the provision of open space.
- (j) The Administration should consider setting standards on the green coverage ratio for new developments.

Gross floor area concessions

- (k) The policy direction of promoting green features through GFA concessions was correct. However, at present, the relevant vetting/approval processes were like "black-box" operations dominated by the relevant executive authorities. The crux was to ensure adequate transparency in the vetting/approval processes.
- (l) The Administration should set an overall cap of 10% on GFA concessions. Allowing Joint Practice Notes with loopholes to remain in force during the review would be problematic.
- (m) The provision of sky gardens, planting trees and conservation of old and valuable trees should be encouraged by granting GFA concessions. The size of features such as electricity and mechanical chambers and refuse storage rooms should be specified. It was questionable whether GFA concessions should be granted for balconies and club houses.
- (n) Granting GFA concessions for car-parking facilities was acceptable because provision of the facilities could reduce the need for at-grade car-parking facilities. With the expansion of the mass transit railway network, the Administration should update the demand for car parks in various districts.
- (o) BA should not have discretionary power on GFA concessions.

Energy consumption standards in buildings

- (p) The Administration should have holistic planning and set targets when implementing energy saving measures so as to assess the effectiveness of the measures.
- (q) Arcades could be designed with windows so that air-conditioning would only be required in summer.
- (r) The Administration should promote green building materials and the relevant certification industries.
- (s) The Administration should consider requiring public rental housing and developments of the MTR Corporation, Limited and the Urban Renewal Authority to adhere to HKGBC's standards.

Public engagement exercise

- (t) The IR document was not easy to comprehend. The document should provide some quantitative analyses and the trade-offs of the various options, such as the loss in land premium as a result of capping GFA concessions.
- (u) SDC could provide the public with background of the town planning process and explain to them why GFA concessions had been introduced as an incentive.
- (v) The Administration should provide information on the possible institutional frameworks and legislative changes with regard to planning and building control powers³.

Recent developments

16. BD issued a revised practice note on 1 June 2010 requiring a detailed breakdown of all GFA concessions granted in new building developments to be shown on building plans. The information will be published upon completion of the development. Apart from the requirement to specify the areas of various GFA concessions on the building plans, the revised practice note also requires Authorized Persons to provide a summary of all GFA concessions upon application for occupation permits. The revised practice note will apply to newly completed buildings for which an application for an occupation permit is submitted on or after 1 September 2010.

Relevant papers

17. A list of relevant papers with their hyperlinks is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
20 July 2010

³ The Administration has provided supplementary information vide LC Paper No. CB(1)2744/08-09(01).

Review of measures to foster a quality and sustainable built environment

List of relevant papers

Council/Committee	Date of meeting	Paper
Panel on Planning, Lands and Works	22 February 2001	<p>Administration's paper on "Green buildings -- a proposal to enhance the quality of our living" (LC Paper No. CB(1)181/00-01(02)) http://www.legco.gov.hk/yr00-01/english/panels/plw/papers/a181e02.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)516/00-01) http://www.legco.gov.hk/yr00-01/english/panels/plw/minutes/pl211100.pdf</p>
Public Accounts Committee (PAC)	February 2006	<p>PAC Report No. 45 - Chapter 1 of Part 7, Development of a site at Sai Wan Ho http://www.legco.gov.hk/yr05-06/english/pac/reports/45/m_7a.pdf</p>
—	May 2006	<p>Report of the Independent Committee of Inquiry on the Sai Wan Ho Development on Inland Lot No. 8955 http://www.info.gov.hk/info/ici/eng/</p>
Finance Committee	15 March 2006	<p>Supplementary question raised by Hon LEE Wing-tat and Dr Hon YEUNG Sum (Reply serial no. S-HPLB(PL)04) http://www.legco.gov.hk/yr05-06/english/fc/fc/sup_w/s-hplb-pl-e.pdf</p> <p>Minutes of meeting (Report on the Examination of the Estimates of Expenditure 2006-07, Chapter XIV : Planning and Lands) http://www.legco.gov.hk/yr05-06/english/fc/fc/minutes/sfc_rpt.pdf</p>

Council/Committee	Date of meeting	Paper
Council Meeting	26 April 2006	Question No. 16 on "Eco-buildings" Hansard (pages 98 to 101) http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0426ti-translate-e.pdf
Council Meeting	17 May 2006	Motion debate on "Supporting the conclusions and recommendations of the Public Accounts Committee on the development of a site at Sai Wan Ho" Hansard (pages 118 to 196) http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0517ti-translate-e.pdf
Council Meeting	25 October 2006	Question No. 8 on "Residential property projects with green features" Hansard (pages 25 to 27) http://www.legco.gov.hk/yr06-07/english/counmtg/hansard/cm1025-translate-e.pdf
Council Meeting	1 November 2006	Question No. 6 on "Policy on green and innovative buildings" Hansard (pages 48 to 56) http://www.legco.gov.hk/yr06-07/english/counmtg/hansard/cm1101-translate-e.pdf
Council Meeting	23 May 2007	Motion debate on "Policies on sustainable urban development and green buildings" Hansard (pages 146 to 176) http://www.legco.gov.hk/yr06-07/chinese/counmtg/floor/cm0523-confirm-ec.pdf
Council meeting	9 April 2008	Written question on "Residential projects with green features" Hansard (pages 56 to 70) http://www.legco.gov.hk/yr07-08/chinese/counmtg/floor/cm0409-confirm-ec.pdf
Panel on Development	27 May 2008	Administration's paper on "Review of measures to promote green features in building developments" (LC Paper No. CB(1)1602/07-08(04)) http://www.legco.gov.hk/yr07-08/english/panels/plw/papers/dev0527cb1-1602-4-e.pdf

Council/Committee	Date of meeting	Paper
		<p>Minutes of meeting (LC Paper No. CB(1)2309/07-08) http://www.legco.gov.hk/yr07-08/english/panels/plw/minutes/de080527.pdf</p>
Panel on Development	19 December 2008	<p>Administration's paper on public engagement on measures to foster a quality and sustainable built environment (LC Paper No. CB(1)396/08-09(05)) http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev1219cb1-396-5-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)1348/08-09) http://www.legco.gov.hk/yr08-09/english/panels/dev/minutes/dev20081219.pdf</p> <p>Information note on gross floor area concessions granted under the Buildings Ordinance prepared by the Legislative Council Secretariat (LC Paper No. CB(1)416/08-09(01)) http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev1219cb1-416-1-e.pdf</p>
Panel on Environmental Affairs	15 July 2009	<p>Administration's paper on legislative framework of mandatory implementation of the Building Energy Codes (LC Paper No. CB(1) 2197/08-09(03)) http://www.legco.gov.hk/yr08-09/english/panels/ea/papers/ea0715cb1-2197-3-e.pdf</p> <p>Paper on mandatory implementation of Building Energy Codes prepared by the Legislative Council Secretariat (background brief) (LC Paper No. CB(1)2197/08-09(04)) http://www.legco.gov.hk/yr08-09/english/panels/ea/papers/ea0715cb1-2197-4-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)2779/08-09) http://www.legco.gov.hk/yr08-09/english/panels/ea/minutes/ea20090715.pdf</p>

Council/Committee	Date of meeting	Paper
Panel on Development	28 July 2009	<p>Administration's paper on public engagement process on "Building Design to Foster a Quality and Sustainable Built Environment" of the Council for Sustainable Development (LC Paper No. CB(1)2342/08-09(01)) http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0728cb1-2342-1-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)479/09-10) http://www.legco.gov.hk/yr08-09/english/panels/dev/minutes/dev20090728.pdf</p> <p>Follow-up paper provided by the Administration (LC Paper No. CB(1)2744/08-09(01)) http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0728cb1-2744-1-e.pdf</p>
Council meeting	11 November 2009	<p>Question No. 5 on "Gross floor area concessions" http://www.info.gov.hk/gia/general/200911/11/P200911110218.htm</p>
Panel on Development and Panel on Environmental Affairs	14 December 2009	<p>Administration's paper on public engagement on measures to foster a quality and sustainable built environment (LC Paper No. CB(1)396/08-09(05)) http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev1219cb1-396-5-e.pdf</p> <p>Administration's paper on legislative framework of mandatory implementation of the Building Energy Codes (LC Paper No. CB(1)2197/08-09(03)) http://www.legco.gov.hk/yr08-09/english/panels/ea/papers/ea0715cb1-2197-3-e.pdf</p> <p>Minutes of joint meeting (LC Paper No. CB(1)1428/09-10) http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/devea20091214.pdf</p>