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Panel on Development

Meeting on 29 March 2011

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

Purpose

This paper provides background information on the measures undertaken by the Administration to foster a quality and sustainable built environment. It also gives a summary of the major views and concerns expressed by members during previous discussions on the subject.

Background

Enhancement of sustainable building design

2. The Council for Sustainable Development ("SDC") launched its first public engagement exercise in 2004 to find suitable solutions, among other issues, to enhance urban living space. In response to SDC's "Report on the Engagement Process for a First Sustainable Development Strategy", the Administration published "A First Sustainable Development Strategy for Hong Kong" 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 recommended 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 Buildings Ordinance (Cap. 123) provided the Building Authority ("BA") with discretionary power to exclude these features from the calculation of permissible gross floor area ("GFA") of the developments. 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.

5. In recent years, there has been growing public concern about the various GFA concessions increasing the building bulk, height and density. Following the publication of the report by the Independent Committee of Inquiry on the Sai Wan Ho Development on Inland Lot No. 8955 in April 2006 (the Independent Committee was established to look into the Grand Promenade incident), 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 had undermined the control over the height, bulk and density of buildings by the granting of GFA concessions.

6. On 1 June 2010, BD issued a revised practice note requiring a detailed breakdown of all GFA concessions granted in new building developments to be shown on building plans, including the areas of various GFA concessions. In addition, upon application for occupation permits for the buildings, authorized persons² are required to provide a summary of all GFA concessions, which will be published on BD's website. The

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.

² Under the Building Ordinance (Cap. 123), an "authorized person" means a person whose name is on the authorized persons' register kept under section 3(1)(a) as an architect; (b) as an engineer; or (c) as a surveyor.

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.

Energy efficiency of buildings

7. Energy efficiency of 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. On 9 December 2009, the Government introduced the Buildings Energy Efficiency Bill to provide for the mandatory implementation of BEC in respect of four types of building service installations, and energy audits in certain types of buildings. The Bill was passed by the Council on 24 November 2010.

8. The Administration has been promoting energy efficiency 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 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. 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. Major initiatives included establishment of The Hong Kong Green Building Council in 2009 to promote adoption of green building standards and construction of green buildings, and launching the "Building Environmental Assessment Method ("BEAM") Plus" for the Hong Kong environment in April 2010.

Report on the Public Engagement Process on Building Design to Foster a Quality and Sustainable Built Environment

9. On 20 June 2009, the Administration in collaboration with SDC published an "Invitation for Response" ("IR") document entitled "Building

Design to Foster a Quality and Sustainable Built Environment"³ and launched a public engagement exercise to gauge public views on the policy options affecting the quality and sustainability of the city's built environment. SDC then issued the "Report on the Public Engagement Process on Building Design to Foster a Quality and Sustainable Built Environment"⁴ in June 2010.

10. The SDC's major recommendations in the Report for the Administration's actions were --

GFA concessions

- to impose an overall cap on the total amount of GFA concession to be granted for a development project, and to adopt a more performance-based and site-specific approach;
- to review and reduce the level of a range of existing GFA concessions for green and amenity features, and to do away with GFA concession for mail delivery rooms and for wider common corridors unless natural ventilation is provided for; and
- to reduce the level of GFA concessions for car parks in general and promote underground car parks where technically feasible through provisions of relatively higher level of GFA concession than above-ground car parks;

Sustainable building design

- to introduce mandatory building separation for large building developments and mandatory building setback for buildings abutting narrow streets to mitigate the wall-effect and urban heat island effect. Adjustment of the prescribed requirement might be allowed upon scientific evidence; and
- to introduce mandatory requirement to provide greenery for large sites;

³ The IR document is at 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.

⁴ The Report is at the Annex to the LC Paper No. CB(1)2601/09-10(01) provided by the Administration for the meeting of the Panel on Development on 27 July 2010.

Building energy efficiency

- to review the subsequent statutory requirements under the mandatory BEC from time to time and provide assistance to existing buildings for retrofitting;
- to promote use of building energy efficiency benchmarking and accreditation system;
- to provide additional building design guidelines for building energy efficiency; and
- to take the lead by setting a target in implementing energy efficiency initiatives in public buildings.

Other measures to foster a quality and sustainable built environment

11. The Town Planning Board ("TPB") has been reviewing the Outline Zoning Plans ("OZPs") of various districts and, where justified, revising the relevant planning parameters to lower development intensity. Priority in the review of OZPs is given to areas of special setting and character such as areas around the Victoria Harbour and within view corridors to important ridgelines, potential land sale sites and areas subject to high development or redevelopment pressure.

12. The Planning Department is undertaking an "Urban Climatic Map and Standards for Wind Environment - Feasibility Study". The study's findings would provide a more scientific and objective basis for urban climatic consideration in town planning.

Discussions at the Panels

13. The Panel on Development ("the Panel") has been monitoring issues relating to fostering quality and sustainable built environment in Hong Kong since December 2008 at panel meetings and joint panel meeting with the Panel on Environmental Affairs. The policy and practice of granting GFA concessions were the key issue during members' discussions. Some members considered that while GFA concessions were necessary to incentivize developers to provide green features, they were concerned that developers could gain substantial increase in GFAs through concessions. These extra GFAs were used to boost saleable areas of the

development, resulting in "inflated flats", and were not reflected in the premium. Such practice might create an impression of collusion between the Government and business sector. Some members also considered that the discretion of BA in granting GFA concessions should be tightened and closely monitored to prevent corruption or abuse.

14. The Panel received a briefing from SDC on its recommendations in the "Report on the Public Engagement Process on Building Design to Foster a Quality and Sustainable Built Environment" on 27 July 2010. Major views or concern expressed by members included the need for the Administration to formulate policies to delineate the responsibility for the provision of public facilities between the Government and the developers, to deal with inflated saleable areas to protect property buyers' interests, to review the provision of car parking space in private buildings including discouraging underground car parks as the facility was not sustainable given the extra ventilation and lighting requirements; as well as the concern about the maintenance responsibility of public facilities passed on to the property buyers.

New policy measures to foster a quality and sustainable built environment

15. In the Policy Address announced on 13 October 2010, the Chief Executive stated that, in the light of the recommendations of SDC, the Administration would introduce a series of measures, requiring the incorporation of such design elements as building separation or enhancement of building permeability, setback and greenery in new buildings. It would raise the building energy efficiency standards and require developers to provide environmental and energy consumption information of buildings for the reference of potential users. Moreover, the Administration has decided to tighten the policy on GFA concessions. Major changes include removing the concessions for certain features, lowering the level of concessions for car parks, balconies, utility platforms and clubhouse facilities, and imposing an overall cap of 10% for a number of features which still qualify for concession.

16. On the implementation of the new measures, the Administration advised that BD would issue revised practice notes to building professionals. The building industry would be consulted on the notes, which would take effect on 1 April 2011 and be applied to building plans submitted to BD for approval on or after the date.

17. At the Panel meeting on 26 October 2010, members were briefed on the new measures in the Policy Address 2010-2011 for fostering a

quality and sustainable built environment. The major concerns expressed by members included:

Reduction of GFA concessions

- (a) developers might rush to submit applications of building plans for approval before the new rules take effect on 1 April 2011;
- (b) the application of the new rules on GFA concessions on building plans submitted for BA's approval before 1 April 2011 but were later rejected on substantive grounds;
- (c) the Administration should tighten the control of "inflated flats" in the property market to protect the interest of property buyers, and should consider listing out the premiums for the saleable floor area, balconies, clubhouses, etc.; to provide information to buyers, as well as requiring developers to give a breakdown of property prices for the saleable floor areas and other facilities;
- (d) the Administration should implement the new measures on GFA concessions through legislation instead of administrative means;

Building Design Requirements - building separation, building setback and site coverage of greenery

- (e) while the new requirements would reduce the usable GFA for buildings in dense industrial areas, compensation in GFA or plot ratio should be granted to land owners to encourage them to provide building setback;

Energy efficiency of buildings

- (f) under the new requirement for all new buildings to obtain certification by BEAM Plus Assessment conferred by the Hong Kong Green Building Council, the grading for each building should be made public; and

- (g) the Administration should consider requiring public housing developments to attain a certain grading in the long term under the BEAM Plus Assessment.

Recent developments

18. On 31 January 2011, BD promulgated 15 practice notes for implementing the policy to foster a quality and sustainable built environment. The practice notes, to be effective from 1 April 2011, comprised three Joint Practice Notes issued by the Director of Buildings, Director of Lands and Director of Planning; and 12 Practice Notes issued by the Director of Buildings for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers. The practice notes stipulate detailed requirements and guidelines for the granting of GFA concessions for green and amenity features as well as for implementing sustainable building designs which cover the provision of building set back, building separation and site coverage of greenery in new private developments. The new practice notes can be found on BD's website (www.bd.gov.hk/english/documents/index_pnotes.html).

19. The Administration will brief the DEV Panel on the new practice notes at the meeting on 29 March 2011.

Relevant papers

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

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>
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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>

Council/Committee	Date of meeting	Paper
		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
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/Committee	Date of meeting	Paper
Council meeting	9 April 2008	<p>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</p>
Panel on Development	27 May 2008	<p>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</p> <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>

Council/Committee	Date of meeting	Paper
		<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>
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	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>

Council/Committee	Date of meeting	Paper
Panel on Environmental Affairs		<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>
Panel on Development	27 July 2010	<p>Administration's paper on green buildings and building design to foster a quality and sustainable built environment (LC Paper No. CB(1)2601/09-10(01)) http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0727cb1-2601-1-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)3022/09-10) http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/dev20100727.pdf</p>
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Panel on Development	26 October 2010	<p>Administration's paper on measures to foster a quality and sustainable built environment (LC Paper No. CB(1)155/10-11(06)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev1026cb1-155-6-e.pdf</p>

Council/Committee	Date of meeting	Paper
		<p>Powerpoint presentation (LC Paper No. CB(1)252/10-11(01)) (Chinese version only) http://www.legco.gov.hk/yr10-11/chinese/panels/dev/papers/dev1026cb1-252-1-c.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)736/10-11) http://www.legco.gov.hk/yr10-11/english/panels/dev/minutes/dev20101026.pdf</p>