



Buildings Department



Lands Department



Planning Department

Joint Practice Note No. 8

Incentive to Promote Green and Innovative Buildings

Enhanced Facilitation Measures for Buildings Adopting Modular Integrated Construction

Introduction

Following the issue of the Joint Practice Note (JPN) Nos. 1 and 2, this is the third JPN promoting green and innovative buildings. This JPN details enhanced facilitation measures for buildings adopting Modular Integrated Construction (MiC).

2. MiC is a construction method that employs the technique of having freestanding volumetric modules (with finishes, fixtures, fittings, etc.) manufactured off-site and then transported to site for assembly. MiC enables better quality control, shortens construction period, reduces disturbance and nuisance to the neighbourhood etc.; being a green/ innovative feature, it also helps simplify the construction process and reduce waste.

3. This JPN promulgates enhanced facilitation measures for promoting wider adoption of MiC in new buildings by (a) granting of gross floor area (GFA) and site coverage (SC) concessions and (b) supporting applications for minor relaxation of building height (BH) restriction amongst the Buildings Department (BD), Planning Department (PlanD) and Lands Department (LandsD).

/GFA ...

GFA and SC Concessions

4. Under current technology, MiC normally involves repetitive double walls between MiC modules, thicker enclosure walls to cater for rigging and hoisting during transportation and assembly on site, as well as lengthened common corridors and internal doorways due to the double or thickened MiC walls. In recognition of the additional floor area needed in MiC, GFA and/ or SC concessions may be granted to facilitate the adoption of MiC.

Under the Buildings Ordinance

5. Under the building regime, BD is prepared to grant the following GFA and/ or SC concessions upon submission of an application for exemption under section 42 of the Buildings Ordinance (BO):

- (a) 10% of the MiC floor area of a new building may be disregarded from calculation of GFA of the development. The granting of such GFA concession is not subject to the overall GFA cap of 10% stipulated in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151; and
- (b) 10% of the MiC floor area at each floor level need not be counted for SC.

6. For the purpose of this JPN, the MiC floor area is the floor area contained within the external walls of the combined MiC modules, together with the floor areas of associated construction joints and including the thickness of such walls. If MiC is adopted for plant room or similar services, or green/ amenity features such as balcony, utility platform, common corridor and lift lobby, or non-structural prefabricated external wall, the floor areas of such rooms or features which may already have been exempted or disregarded from GFA calculations under the BO may also be included in the MiC floor area for the purpose of working out the concessions under paragraph 5 above. For the avoidance of doubt, features not forming part of the MiC floor, for example minor projecting features as described in paragraph 3 of PNAP APP-19¹, acoustic fin, noise barrier, curtain wall and cladding, should be excluded from the calculation of MiC floor area.

/Under ...

¹ Air-conditioner platforms under PNAP APP-19 should be excluded from the calculation of MiC floor area even if they are combined with balconies and utility platforms.

Under the Town Planning Ordinance

7. Under the planning regime, PlanD will follow BD's exemption of the MiC floor area from GFA and/ or SC calculations, subject to there being no contravention with any specific restrictions on the same stipulated on the relevant statutory plans (i.e. Outline Zoning Plan/ Development Permission Area Plan).

Under the Government Lease

8. Under the land administration regime, for leases² containing GFA and/ or SC restrictions and a specific clause allowing the same exemption from calculations of GFA and/ or SC for floor area exempted by the Building Authority (BA) in respect of green and innovative features without the payment of a premium and administrative fee, for instance Conditions of Sale, approval following BD's exemption of the MiC floor area from GFA and/ or SC calculations will be given to such features on the building plans during the building plans checking stage.

9. On the other hand, for leases with GFA and/ or SC restrictions and without the specific clause as mentioned in paragraph 8 above, exemption from calculations of GFA and/ or SC would be subject to consideration of the Director of Lands, who may allow the exemptions subject to such terms and conditions as may be determined by him at his sole and absolute discretion. A fast track approach will be adopted for the necessary lease modification³ and/ or consent for such GFA and/ or SC exemptions for adoption of MiC, including payment of premium (where applicable) to be charged at standard rates for such modification/ consent to streamline the process. To facilitate the processing of the application for the necessary lease modification and/ or consent, LandsD will issue a practice note on this matter shortly.

Relaxation of BH Restriction

10. Under current technology, the adoption of MiC normally involves thickened/
/double ...

² Unless stated otherwise, all reference to "lease" in this JPN shall include Government Lease or Conditions of Sale/Grant/Exchange, etc. (as the case may be) and "leases" shall be construed accordingly.

³ Lease modification would be needed for leases without the specific clause for exemption from calculations of GFA and/or SC in respect of provision of green and innovative features as mentioned in paragraph 8 above, subject to such terms and conditions as may be imposed by LandsD.

double slabs between MiC modules, resulting in an increase in storey height of MiC floor and hence in the overall BH of the building. To facilitate the adoption of MiC, favourable consideration may be given to an increase of BH up to 4% of the total storey height⁴ of MiC floors. In this regard, MiC floor is taken as a floor of a building where the MiC floor area is not less than 50% of the total area on that floor⁵.

Under the Town Planning Ordinance

11. Under the planning regime, where the BH of a building exceeds the BH restriction permitted under the relevant statutory plan, a s.16 application to the Town Planning Board (TPB) will be required for minor relaxation of the BH restriction (if such provision is available under the statutory plan). Each case will be considered by TPB on its individual merits. PlanD is prepared to support such applications arising from adoption of MiC. If the site is already zoned for development and the minor relaxation of BH restriction is solely for adoption of MiC, the application would need no more than a simple visual appraisal as support. Air ventilation assessment is not required except for sites on major breezeways where a simple review of the air ventilation impacts might be required. In general, if no increase in plot ratio/ GFA is involved⁶, the concerned departments normally will not require assessments on traffic, environmental and infrastructure aspects. In the same spirit, PlanD is prepared to support such minor amendments to approved schemes⁷ through s.16A application.

12. If such BH relaxation is sought, the applicant is required to identify the floor(s) that could be regarded as MiC floor(s) (see paragraph 10 above) and the corresponding storey height(s). Support to such minor relaxation of BH restriction /would ...

⁴ Storey height of MiC floor should be measured from the lowest level of the MiC module to the highest level of the MiC module, including the thickness of slab(s), on that MiC floor together with the associated construction joints below.

⁵ The total area on that floor means the area of the site on which the building is erected that is covered by that floor. For the avoidance of doubt, features which do not form part of the floor, for example, minor projecting features as described in paragraph 3 of PNAP APP-19, acoustic fin, noise barrier, curtain wall and cladding should be excluded from the calculation of the total area of the floor.

⁶ For avoidance of doubt, GFA excluded, exempted or disregarded under this JPN/ other JPNs do not constitute as increase in plot ratio/ GFA.

⁷ In such cases, the general requirements as set out in the TPB Guidelines for Class A and Class B Amendments to Approved Development Proposals will apply. In particular, if maximum BH was not specified as an approval condition of the planning permission, the adoption of MiC is a Class A amendment if the proposed change does not result in the development exceeding the BH restrictions on the extant statutory plan and in the planning brief, if applicable. For Class B amendments, the considerations in this JPN are relevant.

would be up to 4% of the total storey height of MiC floors, irrespective of the actual additional vertical space taken up arising from the adoption of MiC.

13. During building plans submission stage, in order to substantiate that the proposed BH is in accordance with the approved scheme, an applicant is required to engage an authorized person (AP) to certify the MiC floor(s) identified and the corresponding storey height(s) per the form in **Appendix A** for submission together with the building plans to PlanD through the centralised processing system. The AP should demonstrate on the building plans submitted to the BA the floor(s) that could be regarded as MiC floor(s) and the corresponding storey height.

Under the Government Lease

14. Similarly, under the land administration regime, if the BH of a building adopting MiC would render a breach of the BH restriction under lease, a lease modification would be required to permit the BH in excess of the BH restriction up to 4% of the total storey height of MiC floors as with that stipulated under paragraph 10 above. Such modification, if approved, will be subject to such terms and conditions as may be imposed by LandsD. A fast track approach will also be adopted for the necessary lease modification, including payment of premium (where applicable) to be charged at standard rates as mentioned in paragraph 9 above. Similar certification through the one as set out in **Appendix A** and the requirement to demonstrate on building plans, as detailed in paragraph 13 above, to be submitted to LandsD through the centralised processing system, would apply.

Application

15. It must be noted that BD, PlanD and LandsD are acting in different capacities and exercising different functions, powers and rights under the respective Ordinances and Government Lease under their respective purview. Any functions, powers or rights exercised by any one of these departments shall not in any way affect the functions, powers and rights of any of the others. This JPN (including its Appendices) is meant to serve as general guidelines and as such it may not adequately cater for specific circumstances of individual cases. Nothing in this JPN (including its Appendices) shall in any way fetter, affect or prejudice the rights of the Government, the Director of Lands and their officers under the Government Lease or the Government's rights as lessor/ landlord, and all such rights are hereby reserved.

/Nothing ...

Nothing in this JPN (including its Appendices) including any words and expressions used shall in any way be construed as any waiver of any provisions under the Government Lease or affect or bind the Government regarding the interpretation or enforcement of the terms and conditions of the Government Lease or otherwise.

16. The GFA and/ or SC concessions as approved for each case will be revoked at any time if MiC is not adopted in the building proposed to be built or be adjusted if there is a subsequent reduction in the MiC floor area. Similarly, the planning permission granted under the Town Planning Ordinance and/ or the relevant permission under lease for minor relaxation of the BH restriction for the MiC floors will no longer be applicable if MiC is not adopted as submitted in the proposed building granted with planning permission and/ or the relevant application for lease modification.

Effective Date

17. This JPN takes effect from 1 August 2022. It will apply to all new building plans or major revision of building plans for development proposals submitted to the BA for approval on or after 1 August 2022.

18. Building plans for buildings adopting MiC as approved by the BA prior to the implementation of this JPN may make reference to the “September 2019” version of JPN No. 2 and the repealed PNAP APP-161 (**Appendices B and C**). In tandem with issue of this JPN, JPN No. 2 has been updated (“July 2022” version refers) with references on MiC adoption removed. All rights to modify the whole or any part of this JPN are hereby reserved.

(YU Po-mei, Clarice)
Director of Buildings

(Andrew LAI)
Director of Lands

(Ivan CHUNG)
Director of Planning

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