



Buildings Department

Lands Department

Planning Department

Joint Practice Note No. 1

Green and Innovative Buildings

Introduction

To protect and improve the built and natural environment, the Government promotes the construction of green and innovative buildings. The objective is to encourage the design and construction of buildings that encompass the following features:

- (a) Adopting a holistic life cycle approach to planning, design, construction and maintenance;
- (b) Maximizing the use of natural renewable resources and recycled/green building material;
- (c) Minimizing the consumption of energy, in particular those non-renewable types; and
- (d) Reducing construction and demolition waste.

2. This is the first practice note issued jointly by the Buildings Department (BD), Lands Department (LandsD) and Planning Department (PlanD) on the subject. This joint practice note sets out the incentives provided to encourage the incorporation of these features in building development, and the procedures for application for them under the Buildings Ordinance, the Government Lease (including Conditions of Sale/Grant/Exchange) and the Town Planning Ordinance, where relevant.

Incentives

3. The industry is encouraged to explore ways to improve environmental performance during the construction and throughout the life cycle of new buildings by incorporating initially the features in items (a) to (d) in paragraph 1. The package of incentives which are effective from the issuance of this joint practice note, includes a list of green features that may, subject to the conditions specified in subsequent paragraphs, be exempted from Gross Floor Area (GFA) and/or Site Coverage (SC) calculations. This list will be continuously reviewed and revised in pace with the ongoing development of green buildings and new incentives to encourage the provision of new green features in buildings.

/Exemption ...

Exemption of Green and Innovative Features from GFA and/or SC Calculations

Under the Buildings Ordinance

4. The following green features may upon application and subject to conditions be excluded from GFA and/or SC calculations under the Buildings Ordinance:

- (a) Balconies for residential buildings;
- (b) Wider common corridors and lift lobbies for residential buildings;
- (c) Communal sky gardens for residential buildings;
- (d) Communal podium gardens for non-residential buildings;
- (e) Acoustic fins; and
- (f) Wing walls, wind catchers and funnels.

5. Criteria and conditions for exempting the above green features are listed in Appendix A.

6. 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 the Government Lease.

Under the Government Lease

7. For new auction and tender sites with GFA and/or SC restrictions, a suitable clause may be included in the Government Lease allowing the same GFA and/or SC exemptions in respect of the green features being granted by the Building Authority (BA) under paragraphs 4 and 5 above to be excluded from the GFA and/or SC calculations under the Government Lease, without the payment of a premium, subject to the conditions set out in Appendix A and provided that their design and disposition are acceptable to the Director of Lands.

8. For existing leases with GFA and/or SC restrictions, the same GFA and/or SC exemptions in respect of the green features being granted by the BA under paragraphs 4 and 5 above may be exempted from GFA and/or SC calculations under the Government Lease. Where the Government Lease contains a condition restricting the number of storeys or height of the building to be erected on the lot and the feature will cause such restriction to be breached, a lease modification application would need to be submitted by the lessee.

9. Subject to the conditions set out in Appendix A and provided that the design and disposition are acceptable to the Director of Lands, the same GFA and SC exemptions being granted under the Buildings Ordinance in respect of balconies may be exempted from GFA and SC calculations under the Government Lease after the completion of a lease modification and subject to the payment of a premium and an administrative fee and also conditions as imposed by the Director of Lands. The exemption of wider common corridors and lift lobbies from GFA and SC calculations would not require a lease modification if their design and disposition are acceptable to the Director of Lands. The exemption of features other than balconies and wider common corridors and lift lobbies from GFA and/or SC calculations may have to be covered by a modification letter at nil premium and an appropriate administrative fee. The exemption of sky gardens from GFA calculation at nil premium is only applicable to sites with a recreational clause in the Government Lease and the sky gardens will be strictly prohibited from commercial activities pursuant to paragraphs 1(c)(xiii) and 1(d)(x) of Appendix A. For sites without a recreational clause in the Government Lease, the Director of Lands would not charge premium, if the sky gardens are designed for sitting out purpose only without other recreational facilities and their design and disposition are acceptable to the Director of Lands. LandsD may impose additional conditions to ensure that the exempted features are properly used and maintained.

10. An Authorized Person (AP) is advised to check against the lease conditions to determine whether a lease modification is required. In case of doubt, an enquiry may normally be directed to the relevant District Lands Office (DLO) of the LandsD and a reply may normally be given within 30 days. Alternatively, an AP may be informed directly by the DLO within 8 weeks (for non-BC III cases) or 10 weeks (for BC III cases) from the receipt of a formal plan submission through the centralized processing system.

11. For any GFA and/or SC exemptions which may be granted under the Government Lease, it is a pre-requisite that such exemptions must first be granted by the BA. However, to facilitate the preparation of the basic terms and a demand note for the payment of the initial administrative fee, an application for lease modification should be submitted to the DLO in parallel with the submission to BD at the earliest instance. BD will alert DLO as soon as an in-principle no-objection to the proposed green features is established. Once approval of the building plans with GFA and/or SC exemptions in respect of such green features has been granted by the BA, an AP is advised to submit a copy of the approved plans together with a copy of the demand note receipt to DLO such that the basic terms may be finalized as soon as possible.

/Under ...

Under the Town Planning Ordinance

12. 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 paragraphs 4 and 5 above and Appendix A, subject to there being no contravention with the restrictions on building height and/or SC, if any, stipulated on the Outline Zoning Plan (OZP) / Development Permission Area Plan (DPAP). There may be situations where the GFA exemption may result in an increase in building height and/or SC above that stated on the OZP/DPAP. In such cases, an application to the Town Planning Board (TPB) for minor relaxation (if such a provision is available under the OZP/DPAP) will be required. Each case would be considered by the TPB on individual merits.

13. For development schemes previously approved by the TPB, the incorporation of such green features may result in minor amendments to the approved schemes. 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.

14. Enquiries on whether a TPB approval is required or whether an approved scheme needs to be amended as a result of the incorporation of the green features may be directed to the respective District Planning Office of the PlanD.

Application

15. The above incentives are applicable to new projects for which occupation permits have not been issued.

Implementation

16. This joint practice note is applicable to all new building plans or major revision of building plans for development proposals submitted to the BA for approval on or after 1 April 2011. Subject to paragraph 17 below, this joint practice note is also applicable to building plans which have been previously disapproved and are resubmitted for approval on or after 1 April 2011.

17. For building plans which have been firstly submitted on or before 31 March 2011 and subsequently disapproved by the BA but not on ground relating to proof of ownership or realistic prospect of control of the land forming the site, the first resubmission of such plans to the BA on or after 1 April 2011, which is submitted within 6 months from the date of disapproval of the firstly submitted plans, would not be subject to the requirements of this joint practice note. For the avoidance of doubt, if such first resubmission of plans eventually has been disapproved by the BA, any further resubmission of the plans would be subject to the requirements of this joint practice note.

18. Subject to section 16(3)(d) of the BO, building plans approved by the BA prior to the implementation of this joint practice note should make reference to the “October 2004” version of this joint practice note (Appendix D).

Formal Submissions and Enquiries on Green Features

19. All formal submissions should be made through the normal channels to BD, LandsD or PlanD as appropriate.

20. Applications for exemption of the green features from GFA and/or SC calculations under the provisions of the Buildings Ordinance should be made by way of applications for modification with supporting documents and undertaking.

21. Enquiries on any proposed green features for incorporation in a development may be directed to the respective Chief Building Surveyor of the BD.

Misuse of Incentives

22. An occupation permit will not be issued unless there is evidence indicating that the required undertaking as detailed in paragraph 2(a) of Appendix A is registered in the Land Registry.

23. 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) Balconies and the covered areas underneath the balconies are not to be enclosed, as detailed in paragraph 2(b) of Appendix A;
- (b) The exhaust outlets for internal bathrooms and lavatories are not to open into the balconies and the covered areas underneath the balconies, as detailed in paragraph 2(c) of Appendix A; or
- (c) Sky gardens and podium gardens are to be designated for the exclusive use of the owners, tenants and their visitors only, as detailed in paragraph 2(d) of Appendix A.

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

25. It must be noted that the 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.

26. It must be further noted that nothing in this joint practice note (for the avoidance of doubt, including all its appendices) shall in any way fetter or affect the rights of the Government, the Director of Lands and their officers under the Government Lease or their rights as lessor/landlord, who are exercising such rights in the capacity of a lessor/landlord and who hereby reserve all such rights, and that nothing in this joint practice note (for the avoidance of doubt, including all its appendices) including any words and expressions used shall in any way affect the interpretation of the terms and conditions of the Government Lease.

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Criteria and Conditions for Exempting Green and Innovative Features from GFA and/or SC Calculations

1. Specific criteria for exempting the green and innovative features from GFA and/or SC calculations are detailed below. For the avoidance of doubt, application of incentives to residential buildings where described will not apply to the non-domestic portion of a composite building or residential accommodation for commercial use. Furthermore, hotels are considered as non-residential developments for the purpose of this joint practice note. Concessions for balconies, wider common corridors and lift lobbies and communal sky gardens for residential buildings are therefore not applicable to hotels.

(a) Balconies for residential buildings

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

- (i) Only applicable to residential buildings;
- (ii) Location of the balcony is restricted to the living room, dining room or bedroom;
- (iii) There is no projecting window in the same room;
- (iv) It is at least 1.5m away from a utility platform¹;
- (v) It is not located in a re-entrant with an unobstructed width less than 2,300mm or a light well;
- (vi) Not less than 40% of the perimeter of the balcony faces into the open air² and is not enclosed above safe parapet height;
- (vii) It does not project beyond the lot boundary;
- (viii) There is a minimum of 150mm drop in level from the room which leads to the balcony;
- (ix) Where modification of regulation 36 of the Building (Planning) Regulations in respect of bathrooms and lavatories is granted, the exhaust outlets for such bathrooms and lavatories do not open into the balcony;
- (x) Not more than 50% of the area of the balcony is to be exempted from GFA and SC calculations;
- (xi) The summation of areas to be exempted for such balconies including portion of such balconies per residential unit is 1m² or 2.5% of the Usable Floor Space of the unit whichever is the greater subject to a

¹ Unless in compliance with Appendix B of the Code of Practice on Design for Safety – External Maintenance.

² For the purpose of this joint practice note, ‘open air’ has the same meaning as defined under regulation 2 of the Building (Planning) Regulations.

- maximum of 3m²;
- (xii) The size of any balcony, including part of which to be exempted from GFA and SC calculations, is not less than 2m²;
 - (xiii) The covered area underneath the lowest balcony may be fully exempted from GFA and SC calculations provided that not less than 40% of the perimeter of the covered area is not enclosed above safe parapet height and faces into the open air²; and
 - (xiv) The granting of GFA concessions set out in this paragraph is subject to compliance with the pre-requisites and the overall cap on GFA concessions stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

(b) Wider common corridors and lift lobbies³ for residential buildings

Subject to the condition that the need to provide a wider common corridor or lift lobby is not resulting from any statutory requirement, the criteria for exempting such floor space from GFA and SC calculations are:

- (i) Only applicable to floors other than the entrance hall(s) of residential buildings;
- (ii) The floor space of the common corridors and lift lobbies is provided with natural ventilation by means of window(s)⁴ which:
 - a. has an aggregate superficial opening area not less than 5% of the combined floor space of such corridors and lift lobbies;
 - b. can be opened directly into the open air²; and
 - c. is not located in a re-entrant with an unobstructed clear width less than 1.5m or a light well;
- (iii) An alternative performance standard of achieving not less than 1.5 Air Change per Hour (ACH) for the combined floor space of the corridors and the lift lobbies by natural means through window(s)⁴ demonstrated by any suitably verified and scientifically validated method may also be taken as fulfilling the requirement of natural ventilation mentioned in (ii) above, provided that at least a window⁴ is provided within 3m from each of the two most distant ends of such corridors and lift lobbies;
- (iv) Only the width of such corridor being continuous and uninterrupted along its whole length between 1,200mm and 2,200mm and the width of such lift lobby being continuous and uninterrupted along its whole length between 1,650mm and 2,500mm may be exempted; and

³ Service corridors and service lift lobbies separated from the main circulation lift lobbies and corridors by door(s) and normally not used by residents for gaining access to their flats may be disregarded in the assessment of the exemption criteria set out in this sub-paragraph.

⁴ Windows should be openable from inside without the use of a key and provisions of Building (Planning) Regulation 3A should be observed.

- (v) The granting of GFA concessions set out in this paragraph is subject to compliance with the pre-requisites and the overall cap on GFA concessions stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

See Appendix B for guidance on the interpretation of corridors and lift lobbies and the measurement of the areas eligible for exemption. The above measurements are based on structural dimensions of the corridors and lift lobbies.

(c) Communal sky gardens for residential buildings

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

- (i) It provides natural ventilation, greenery and recreational garden space⁵ for communal use;
- (ii) In addition to any podium garden, the maximum number of sky gardens provided is equal to or less than the number of residential storeys divided by 15;
- (iii) It is open-sided above safe parapet height⁶ on at least two opposite sides to provide cross ventilation;
- (iv) The net area of the sky garden occupies not less than 50% of the area of the floor plate, and where it is made up of more than one parcel on the same floor, the parcels are connected with each other by communal circulation areas on the same floor;
- (v) Within such net garden area, not less than 15% of the area of the floor plate is the greenery area which is:
 - a. planted with vegetations⁷; and
 - b. within a zone⁸ which is not more than a horizontal distance 'L' measured perpendicularly from the outer edge of any external wall which is open above safe parapet height⁶ and faces into the open air², where 'L' equals to the clear vertical distance

⁵ It is recommended that the effective location and dimensions of a sky garden are to be provided by wind tunnel tests and/or computational fluid dynamics models to ensure the most favourable microclimate to the neighbourhood.

⁶ For the purpose of assessing the cross-ventilation and greenery area for the net garden area, no solid portion of the safe parapet at the external wall is above 1,250mm from the finished floor level of the garden, while the top of the external wall opening is at least 3,000mm above the top of the solid parapet. Where planters or sitting benches are attached to the internal side of the parapet, the parapet should be of highly permeable type (with not less than 2/3 free area) above 1,250mm from the finished floor level of the garden so as not to block the natural ventilation and lighting.

⁷ The use of native trees and shrubs with adequate soil depth for the plants chosen is recommended.

⁸ The zone may be extended laterally by 1.5m beyond such wall opening if the width of the wall opening is not less than 1.5m.

between the top of such external wall opening and the finished floor level of the garden.

See Appendix C for guidance on the interpretation of the greenery areas.

- (vi) Where more than one sky garden are provided and where there is no podium garden, the first sky garden is to be located at not more than 10 storeys above the lowest ground storey for improvement of the microclimate at street level;
- (vii) The sky garden is at least 10 storeys above any lower sky garden or podium garden in the same building unless under exceptional circumstances where strong environmental justifications are given;
- (viii) Required refuge floor(s) is located at the roof or coupled with sky garden(s), the design of which shall comply with the relevant fire codes⁹;
- (ix) It is accessible from the common area only;
- (x) It has a clear height of not less than 4.5m;
- (xi) Exhaust from any ventilating system does not face the garden;
- (xii) All planters, furniture and equipment are fixed to floors, walls or similar permanent constructions¹⁰;
- (xiii) 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;
- (xiv) Maintenance of the garden is financially viable and a maintenance and management manual for the greenery works should be made available for end-users to safeguard public hygiene and safety of the garden;
- (xv) There is no concern from PlanD on the overall building height; and
- (xvi) The granting of GFA concessions set out in this paragraph is subject to compliance with the pre-requisites stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

(d) Communal podium gardens for non-residential buildings

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

- (i) It is under the footprint of a non-residential tower;
- (ii) There is no occupied accommodation at the same floor and the floor is for use as podium garden for sitting out purpose only;

⁹ For example, a 55-storey building requiring two refuge floors may have two refuge-floor-cum-sky-gardens and one independent sky garden eligible for GFA exemption.

¹⁰ AP / RSEs are recommended to ensure that all trees, planters, furniture and equipment can withstand typhoon conditions.

- (iii) It is accessible from the common area only;
- (iv) It has a clear height of not less than 4.5m;
- (v) It is open-sided above safe parapet height⁶ on at least two opposite sides to provide cross ventilation;
- (vi) Where cargo/service lifts are provided, the garden is not served by such lifts;
- (vii) Exhaust from any ventilating system does not face the garden;
- (viii) The net area of the garden is not less than 50% of the area of the footprint of the tower, and where it is made up of more than one parcel on the same floor, the parcels are connected with each other by communal circulation areas on the same floor;
- (ix) Within such net garden area, not less than 15% of the area of the footprint of the tower is the greenery area which is:
 - a. planted with vegetations⁷; and
 - b. within a zone⁸ which is not more than a horizontal distance 'L' measured perpendicularly from the outer edge of any external wall which is open above safe parapet height⁶ and faces into the open air², where 'L' equals to the clear vertical distance between the top of such external wall opening and the finished floor level of the garden.

See Appendix C for guidance on the interpretation of the greenery areas.

- (x) 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;
- (xi) Maintenance of the garden is financially viable and a maintenance and management manual for the greenery works should be made available for end-users to safeguard public hygiene and safety of the garden;
- (xii) There is no concern from PlanD on the overall building height; and
- (xiii) The granting of GFA concessions set out in this paragraph is subject to compliance with the pre-requisites stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

(e) **Acoustic fins**

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

- (i) It mitigates against unwanted or excessive sound;
- (ii) It is not a load bearing element, that is, it does not bear any load other than that due to its own weight and due to wind pressure on its own surface;
- (iii) It does not project beyond the lot boundary;

- (iv) Its provision and size are justified by quantitative assessment as effective and reasonable; and
- (v) The granting of GFA concessions set out in this paragraph is subject to compliance with the pre-requisites stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

(f) **Wing walls, wind catchers and funnels**

Application for exemption of wing walls, wind catchers and funnels from GFA and SC calculations will be favourably considered where such provision meets the following criteria:

- (i) It promotes the natural ventilation of a building;
- (ii) The wing wall is a fin used to channel wind into the insides of the building;
- (iii) The wing wall is not a load bearing element, that is, it does not bear any load other than that due to its own weight and due to wind pressure on its own surface;
- (iv) The wind catcher captures the cooling breeze and makes deliberate use of buoyancy;
- (v) Funnel makes use of the building height to facilitate the stack/chimney effect in natural thermo-syphonic ventilation, especially during windless hours. Instances where admitting unmodified hot and humid ambient atmosphere to the interior do not provide comfort nor conserve energy, a combined mechanical and natural ventilation system using stack/chimney effect will be encouraged;
- (vi) It does not project beyond the lot boundary;
- (vii) Its provision and size are justified by quantitative assessment as effective and reasonable; and
- (viii) The granting of GFA concessions set out in this paragraph is subject to compliance with the pre-requisites stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

2. Upon granting modification to exempt the green features from GFA and/or SC calculations, the BA shall, where appropriate, impose the following conditions in addition to the conditions that may be imposed in accordance with PNAP APP-151:

- (a) The letter of undertaking submitted by the developer or owner 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 letter may include an undertaking to designate the following in the Deed of Mutual Covenant (DMC) with details of the use and location clearly indicated:

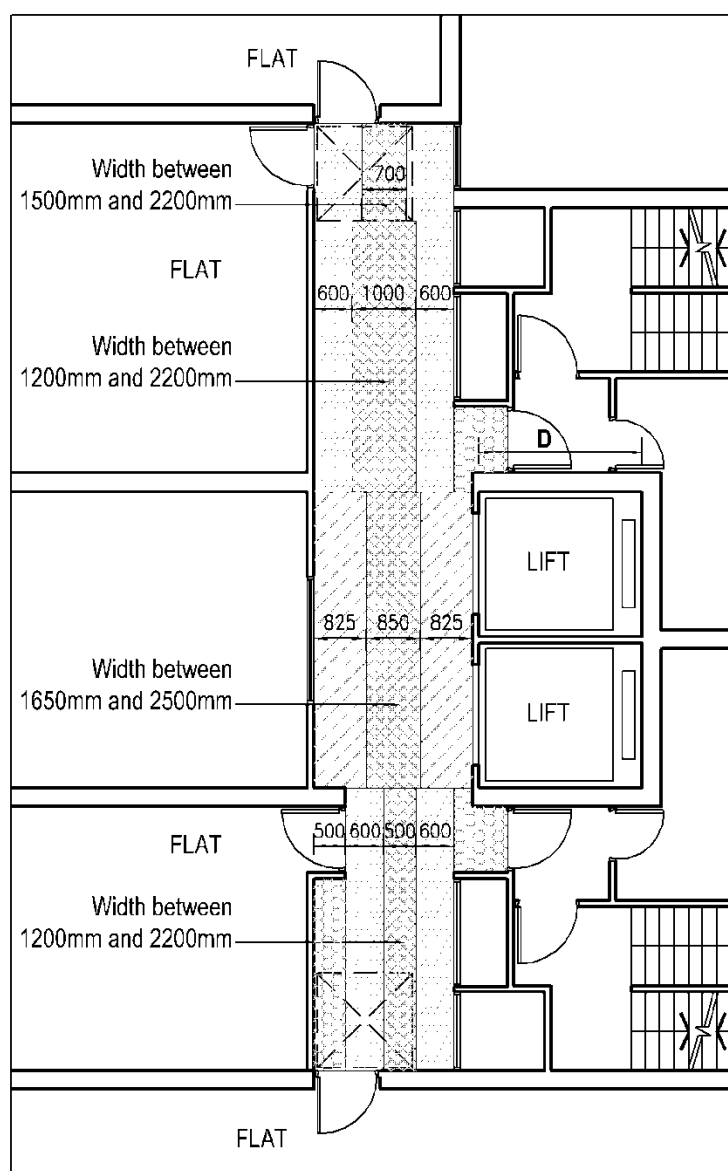
- (i) the balconies and the covered areas beneath the balconies as ‘non-enclosed areas’;
- (ii) the sky gardens / podium gardens as ‘common areas’; and
- (iii) the air-conditioner (AC) platforms provided on balconies¹¹ as ‘areas for air-conditioning’ and that individual AC platforms must not be erected at the external walls of the building.

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, Assignment or the Tenancy Agreement such that the future owners or tenants are aware of their rights and liabilities.

- (b) Balconies and the covered areas beneath the balconies, shall not be enclosed above safe parapet height.
- (c) Where modification of Regulation 36 of the Building (Planning) Regulations in respect of bathrooms and lavatories is granted, the exhaust outlets for such bathrooms and lavatories shall not open into the balconies and the covered areas beneath the balconies.
- (d) Sky gardens and podium 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 other purpose or by any other person without the prior consent of the BA.

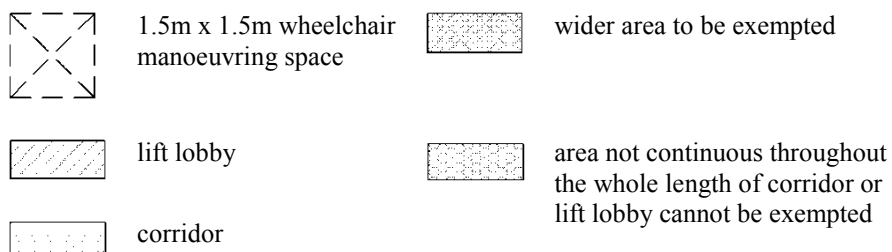
(Rev. 9/2019)

¹¹ AC platforms complying with Appendix B of the Code of Practice on Design for Safety – External Maintenance.

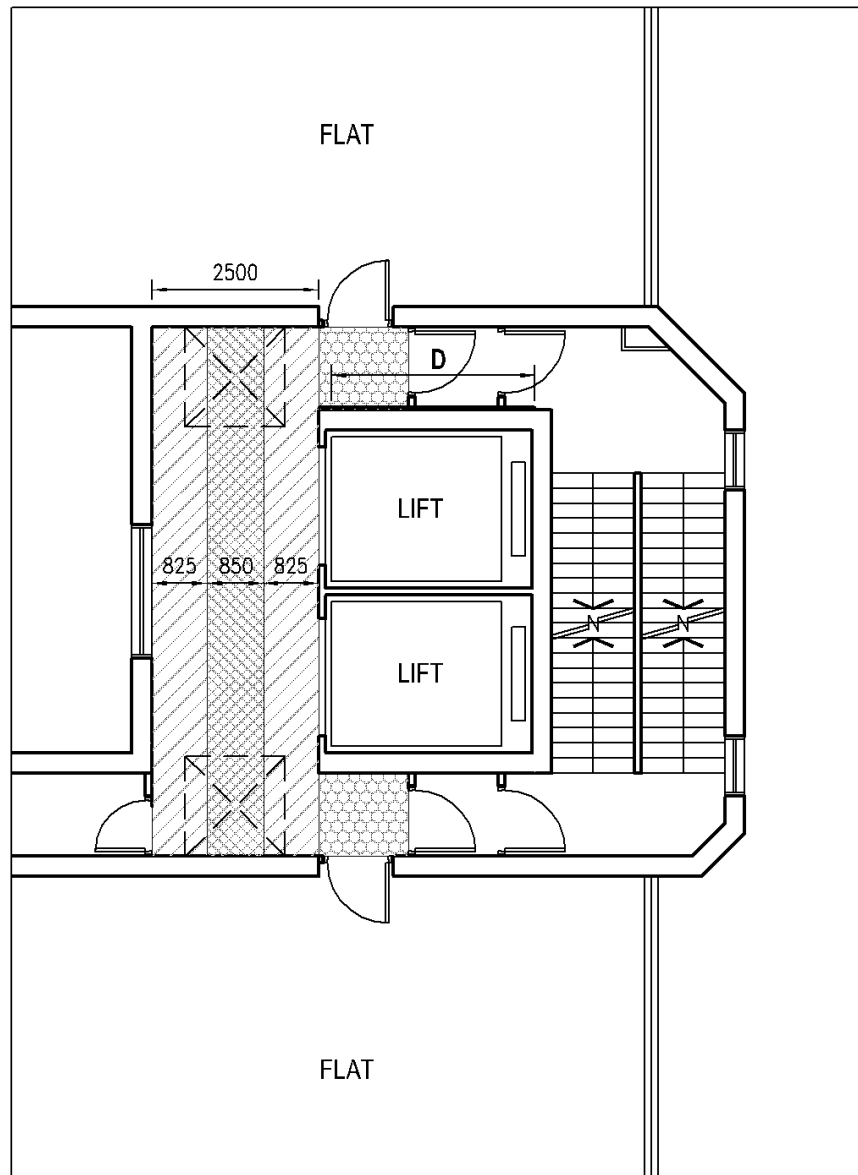


Wider common corridors and lift lobbies

Figure 1

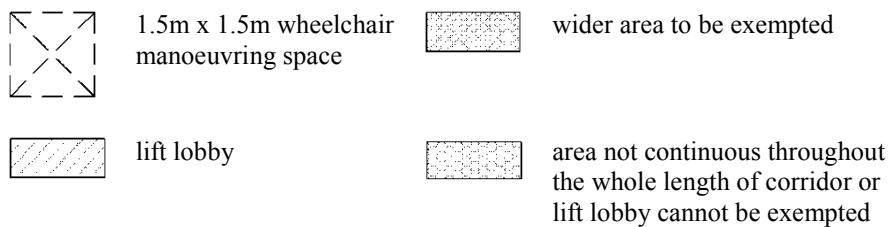


In a straight-lined corridor / lift lobby arrangement, the “lift lobby” is the floor space immediately outside the internal sides of the lift shafts. Where it extends beyond the internal sides of the lift shafts by a distance which is equivalent to or more than the clear depth “D” of the lift shaft, such floor space beyond the internal sides of the lift shafts up to the flat entrances will be considered as a “corridor”.

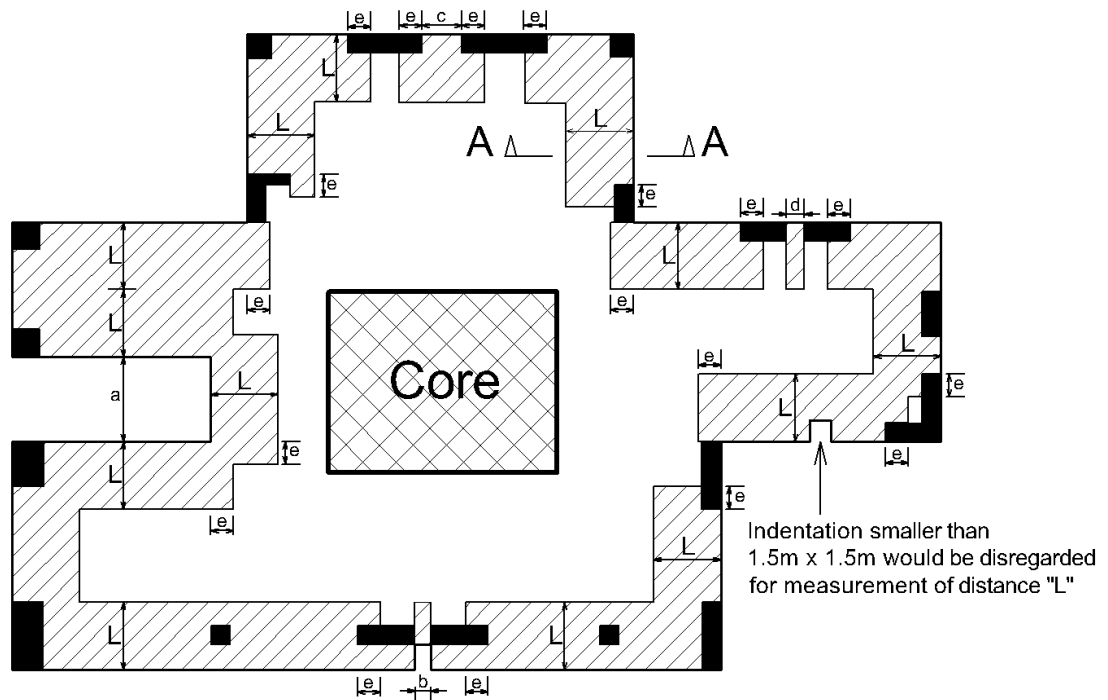


Wider common corridors and lift lobbies

Figure 2




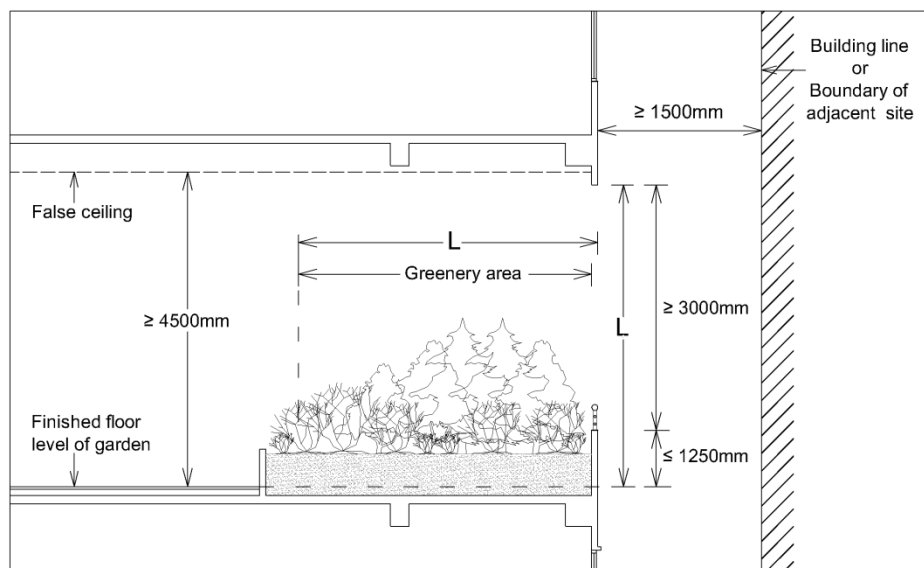
In a L-shaped corridor / lift lobby arrangement, the “lift lobby” is the floor space immediately outside the internal sides of the lift shafts. It may turn directions and extend beyond up to a maximum length which is equivalent to the clear depth “D” of the lift shaft. If the floor space extends beyond this depth, it will be considered as a “corridor”.



Diagrammatic Plan for Communal Sky Gardens / Podium Gardens

Figure 1

-  zone accountable for greenery area calculation if planted with vegetations
- a : width $\geq 1.5\text{m}$
- b : width $< 1.5\text{m}$
- c : width of wall opening $\geq 1.5\text{m}$
- d : width of wall opening $< 1.5\text{m}$
- e : maximum 1.5m lateral extension



Section A – A for figure 1

Figure 2



Buildings Department



Lands Department



Planning Department

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- (a) Adopting a holistic life cycle approach to planning, design, construction and maintenance;
- (b) Maximizing the use of natural renewable resources and recycled/green building material;
- (c) Minimizing the consumption of energy, in particular those non-renewable types; and
- (d) Reducing construction and demolition waste.

2. This is the first of a series of practice notes to be issued jointly by BD, LandsD and PlanD on the subject. The joint practice note sets out the incentives we would provide to encourage the incorporation of these features in building development, and the procedures for application for them under the Buildings Ordinance, the Lease Conditions and the Town Planning Ordinance, where relevant.

Incentives

3. We wish to encourage the industry to explore ways to improve environmental performance during the construction and throughout the life cycle of new buildings by incorporating initially the features in items (a) to (d) in paragraph 1. The first package of incentives which are effective from the issuance of this joint practice note, includes a list of green features that may, subject to the conditions specified in subsequent paragraphs, be exempted from Gross Floor Area (GFA) and Site Coverage (SC) calculations. This list will be continuously reviewed and revised in pace with the ongoing development of green buildings and new incentives to encourage the provision of new green features in buildings.

/Exemption...

Exemption of the First Package of Green and Innovative Features from GFA and SC Calculations

Under Buildings Ordinance

4. The following green features may upon application and subject to conditions be excluded from GFA and/or SC calculations under the Buildings Ordinance:

- (a) Balconies;
- (b) Wider common corridors and lift lobbies;
- (c) Communal sky gardens;
- (d) Communal podium gardens;
- (e) Acoustic fins;
- (f) Sunshades and reflectors;
- (g) Wing walls, wind catchers and funnels.

5. Criteria and conditions for exempting the above green features are listed in Appendix A. To contain the effect on the building bulk resulting from the provision of these incentives, the cumulative GFA exemption for all the green features, excluding sky and podium gardens, should not exceed 8% of the total permitted GFA for the development.

6. 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

7. For new leases to be granted, suitable clauses will be inserted allowing LandsD to exempt the features listed at paragraph 4 above from calculation of GFA and/or SC if such leases provide for a maximum GFA and/or SC. LandsD may when allowing the exemption impose additional conditions to ensure that such features will be properly used and maintained.

8. For existing leases with GFA and/or SC restrictions, the features as listed at paragraph 4 above may be exempted from calculation of GFA and/or SC. Where the lease contains a condition restricting the number of storeys or height of the building to be erected on the lot and the feature will cause such restriction to be breached, a lease modification will be required.

9. Balconies will be exempted from calculation of GFA and/or SC only after the completion of a lease modification and subject to payment of premium and an administrative fee. The exemption of wider common corridors and lift lobbies from GFA and/or SC calculation will not require a lease modification. The exemption of features other than balconies and wider common corridors and lift lobbies from GFA and/or SC calculation may have to be covered by a modification letter at nil premium and an appropriate administrative fee. The exemption of sky gardens from GFA calculation at nil premium is only applicable to sites with a recreational clause in the lease. For sites without a recreational clause in the lease, no premium will be charged if the sky gardens are designed for sitting out purpose only without other recreational facilities. LandsD may impose additional conditions to ensure that the exempted features are properly used and maintained.

10. An Authorized Person (AP) is advised to check against the lease conditions to determine whether a lease modification is required. In case of doubt, an enquiry may be directed to the relevant District Lands Office (DLO) of the LandsD and a reply will be given within 30 days. Alternatively, an AP will be informed directly by the DLO within 13 weeks from the receipt of a formal plan submission through the central processing system.

11. For any exemption to be granted under the lease, it is a pre-requisite that such features must first be exempted by the Building Authority. However, to facilitate the preparation of the basic terms and a demand note for the payment of the initial administrative fee, an application for lease modification should be submitted to the DLO in parallel with the submission to BD at the earliest instance. BD will alert DLO as soon as a no-objection-in-principle to the proposed green features is established. Once approval of the building plans exempting such green features have been granted by the Building Authority, an AP is advised to submit a copy of the approved plans together with a copy of the demand note receipt to DLO such that the basic terms may be finalized as soon as possible.

Under Town Planning Ordinance

12. 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 paragraphs 4 and 5 above, subject to there being no contravention with the restrictions on building height and/or SC, if any, stipulated on the Outline Zoning Plan (OZP) / Development Permission Area Plan (DPAP). There may be situations where the GFA exemption may result in an increase in building height and/or SC above that stated on the OZP/DPAP. In such cases, an

application to the Town Planning Board (TPB) for minor relaxation (if such a provision is available under the OZP/DPAP) will be required.

13. For development schemes previously approved by the TPB, the incorporation of such green features may result in minor amendments to the approved schemes. In which case, the general requirements as set out in the TPB Guidelines for Minor Amendments to Approved Development Proposals (TPB PG-No.19B) will apply.

14. Enquiries on whether a TPB approval is required or whether an approved scheme needs to be amended as a result of the incorporation of the green features may be directed to the respective District Planning Office of the PlanD.

Application

15. The above incentives are applicable to new projects for which occupation permits have not been issued.

16. For the avoidance of doubt, the amendment set out in paragraph 1 (b)(ii) of Appendix A is applicable to all new plans to be approved on or after 1 February 2005.

Formal Submission and Enquiries on Green Features

17. All formal submissions should be made through the normal channels to BD, LandsD or PlanD as appropriate.

18. Applications for exemption of the green features from GFA or SC calculations under the provisions of the Buildings Ordinance should be made by way of applications for modification with supporting documents and undertaking.

19. Enquiries on any proposed green features for incorporation in a development may be directed to the Building Innovation Unit of the BD.

Misuse of Incentives

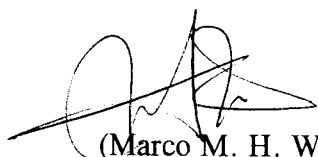
20. An occupation permit will not be issued unless there is evidence indicating that the following conditions of exemption have been complied with:

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


21. 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 sales of the development takes place after the issuance of an occupation permit;
- (b) Balconies are not to be enclosed; or
- (c) Skygardens and podium gardens are for the exclusive use of the residents / tenants and their visitors only as detailed in paragraph 2(d) of Appendix A.


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



(Marco M. H. WU)
Building Authority



(P. L. C. LAU)
Director of Lands



(B. C. K. FUNG)
Director of Planning

Ref.: BD GP/ENV/8
LD 2/1020/00
TPB/C/BLC/2

First issue February 2001

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Index under: BIU
Green Buildings
Incentives for Green Buildings

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

1. Specific criteria for exempting the first package of green and innovative features are detailed below. For the avoidance of doubt, application of incentives to residential buildings where described will not apply to the non-domestic portion of a composite building. Furthermore, domestic accommodation for commercial use such as hotels will not be qualified for the concessions.

(a) Balconies

The criteria for exempting balconies from GFA and SC calculations are:

- (i) Only applicable to residential buildings;
- (ii) Location of the balcony is restricted to the living room, dining room and bedroom;
- (iii) The balcony does not replace bay window design but provide a further design option. However if both a bay window and a balcony have been proposed within the same room, the balcony will be GFA/SC accountable;
- (iv) The balcony is open on at least 2 sides;
- (v) It does not project beyond the lot boundary;
- (vi) The summation of areas to be exempted for such balconies including portion of such balconies per residential unit is 2m² or 4% of the Usable Floor Space of the unit whichever is the greater subject to a maximum of 5 m²; and
- (vii) Any balcony to be exempted from GFA / SC either wholly or partially is equal to or not less than 2m².

(b) Wider common corridors and lift lobbies

Subject to the condition that the need to provide a wider corridor or lift lobby is not resulting from any statutory requirement, the criteria for exempting such floor areas from GFA and SC calculations are:

- (i) Only applicable to floors other than the entrance hall(s) of residential buildings;
- (ii) Where not provided with natural ventilation but provided with mechanical ventilation, width of corridor between 1200mm and 1800mm and width of lift lobby between 1650mm and 2200mm may be exempted; and

/(iii) Where...

- (iii) Where provided with natural ventilation, width of corridor between 1200mm and 2200mm and width of lift lobby between 1650mm and 2500mm may be exempted.

See Appendix B for guidance on the interpretation of corridors and lift lobbies. The above measurements are based on structural dimensions of the corridors and lift lobbies.

(c) Communal sky gardens

The criteria for exempting sky gardens from GFA calculations are:

- (i) Only applicable to residential buildings;
- (ii) It provides natural ventilation, greenery and recreational garden space for communal use;¹
- (iii) In addition to any podium gardens, the maximum number of sky gardens provided is equal to or less than the number of residential storeys divided by 15. However, such garden may be split into say 2 sky gardens each occupying 50% of the area of the floor plate; or 3 sky gardens each occupying 1/3 of the area of the floor plate;
- (iv) The sky garden occupies not less than 1/3 of the area of the floor plate;
- (v) Where more than one sky garden is provided and where there is no podium garden, the first sky garden is to be located at not more than 10 storeys above the lowest ground storey for improvement of the microclimate at street level;
- (vi) It is accessible from the common area only;
- (vii) It has a clear height of not less than 4.5m;
- (viii) It is open-sided above safe parapet height on at least two opposite sides to provide cross ventilation;
- (ix) Where the garden is coupled with refuge floor, the design complies with the relevant fire codes;
- (x) Exhaust from any ventilating system does not face the garden;
- (xi) Not less than 25% of the garden area is to be planted with greenery;² and
- (xii) Maintenance of the garden is financially viable.

Footnotes

1. The effective location and dimensions of a sky garden is recommended to be provided by wind tunnel tests and/or computational fluid dynamics to ensure the most favourable microclimate to the neighbourhood.

2. The use of native trees and shrubs is recommended.

(d) Communal podium gardens

/(d) Communal...

The criteria for exempting podium gardens from GFA calculations are:

- (i) It is under the footprint of a commercial or industrial tower;
- (ii) The floor is for use as podium garden for sitting out purpose only;
- (iii) It has a clear height of not less than 4.5m;
- (iv) It is open-sided above safe parapet height on at least two opposite sides to provide cross ventilation;
- (v) Where cargo/service lifts are provided, the garden is not served by such lifts;
- (vi) Exhaust from any ventilating system does not face the garden;
- (vii) Not less than 25% of the garden area is to be planted with greenery;² and
- (vii) Maintenance of the garden is financially viable.

(e) **Acoustic fins**

The criteria for exempting acoustic fins from GFA and SC calculations are:

- (i) It mitigates against unwanted or excessive sound and does not project more than 1.5m from the external wall. Oversized fin projecting more than 1.5m would require justification;
- (ii) It is not a load bearing element, that is, it does not bear any load other than that due to its own weight and to wind pressure on its own surface; and
- (iii) It does not project beyond the lot boundary.

(f) **Sunshades and reflectors**

The criteria for exempting sunshades and reflectors from GFA and SC calculations are:

- (i) It improves the energy efficiency of a building and does not project more than 1.5m from the external wall. Oversized sunshade and reflector projecting more than 1.5m would require justification;
- (ii) It is not a load bearing element, that is, it does not bear any load other than that due to its own weight and to wind pressure on its own surface; and
- (iii) It does not project beyond the lot boundary.

(g) Wing walls, wind catchers and funnels

The criteria for exempting wing walls, wind catchers and funnels from GFA and SC calculations are:

- (i) It promotes the natural ventilation of a building;
- (ii) The wing wall is a fin used to channel wind into the insides of the building and does not project more than 1.5m from the external wall. Oversized wing wall projecting more than 1.5m would require justification;
- (iii) The wing wall is not a load bearing element, that is, it does not bear any load other than that due to its own weight and to wind pressure on its own surface;
- (iv) The wind catcher captures the cooling breeze and makes deliberate use of buoyancy. The size of the wind catcher to be exempted from GFA and SC calculation will be assessed on a case by case basis with substantiating justification;
- (v) Funnel makes use of the building height to facilitate the stack/chimney effect in natural thermo-syphonic ventilation, especially during windless hours. Instances where admitting unmodified hot and humid ambient atmosphere to the interior do not provide comfort nor conserve energy, a combined mechanical and natural ventilation system using stack/chimney effect will be encouraged. The size of the funnel to be exempted from GFA and SC calculation will be assessed on a case by case basis with substantiating justification; and
- (vi) It does not project beyond the lot boundary.

2. Upon granting 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 they 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 paragraph 18 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:

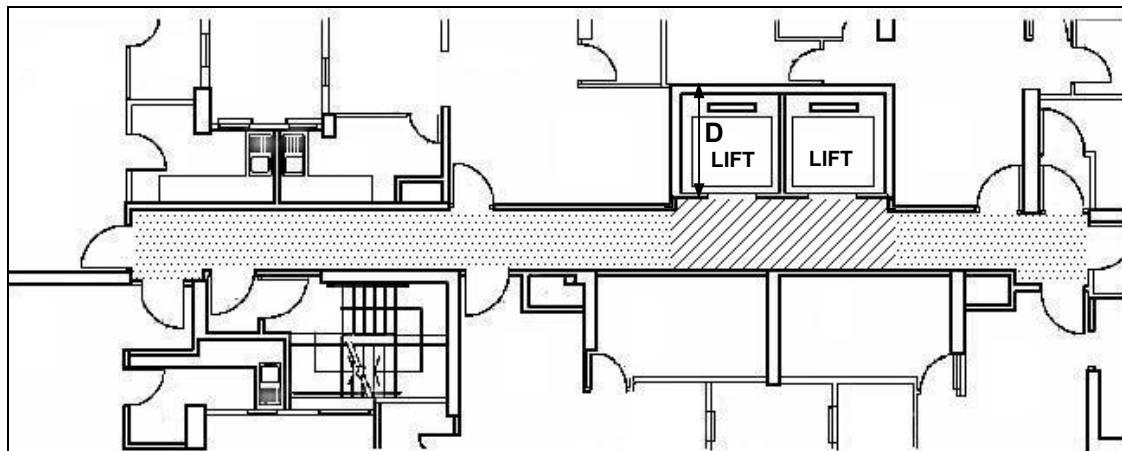
/(i) A letter ...

- (i) A letter of undertaking from the Developer to separately list all the green features in the Sales Brochure;
 - (ii) A letter of undertaking from the Developer designating balconies as 'non-enclosed areas' and the sky gardens / podium 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.
- (c) Balconies shall not be enclosed.
- (d) Skygardens and podium gardens shall be for the exclusive use of the residents / 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.

JPN1 – Appendix A

First issue February 2001

This revision October 2004 (Para. 1(b)(ii) amended)



straight-lined corridor / lift lobby arrangement

figure 1

In a straight-lined corridor / lift lobby arrangement, the “lift lobby” is the space contained within the core, immediately outside the lift shafts. Where it extends beyond the core walls by a distance which is equivalent to or more than the depth of the lift shaft, such space beyond the core walls will be considered as a “corridor”.

Legend:



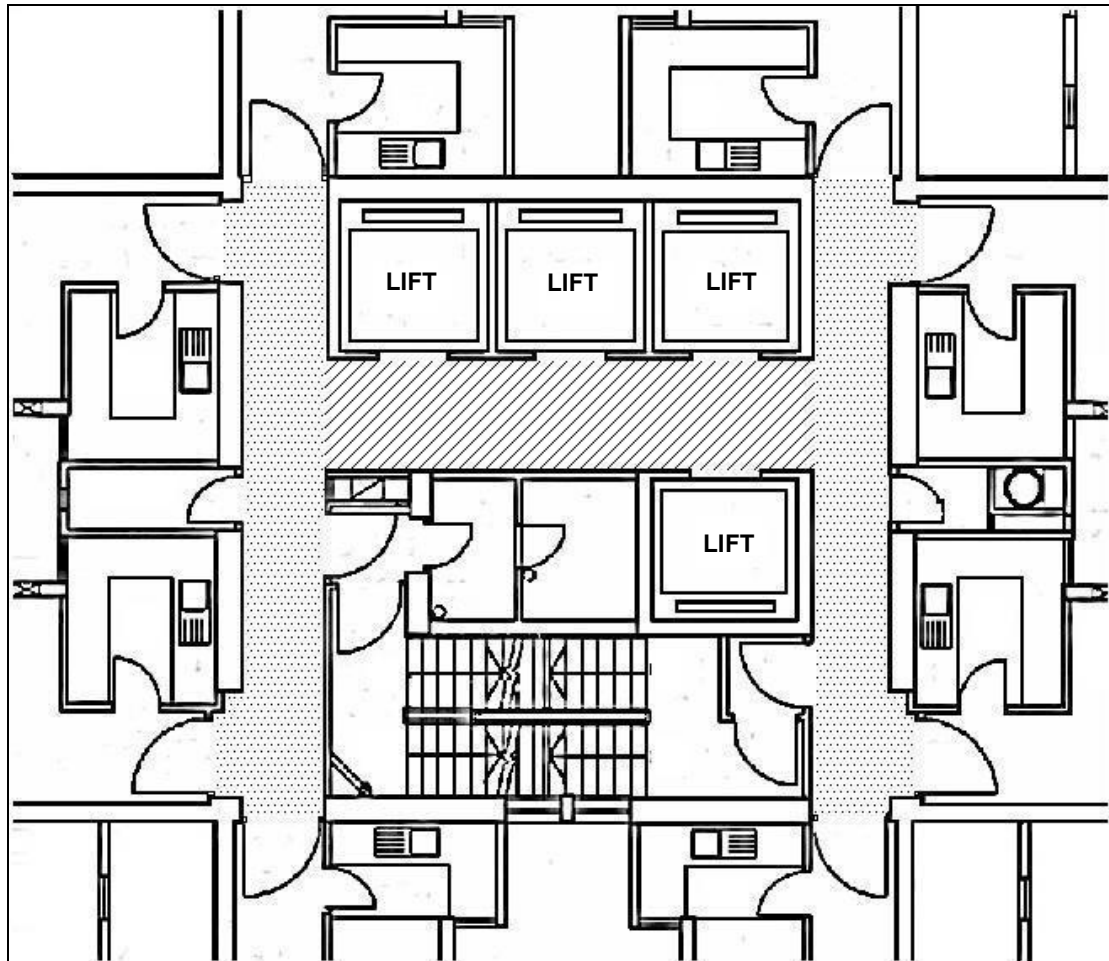
Lift Lobby



Corridor

“D”

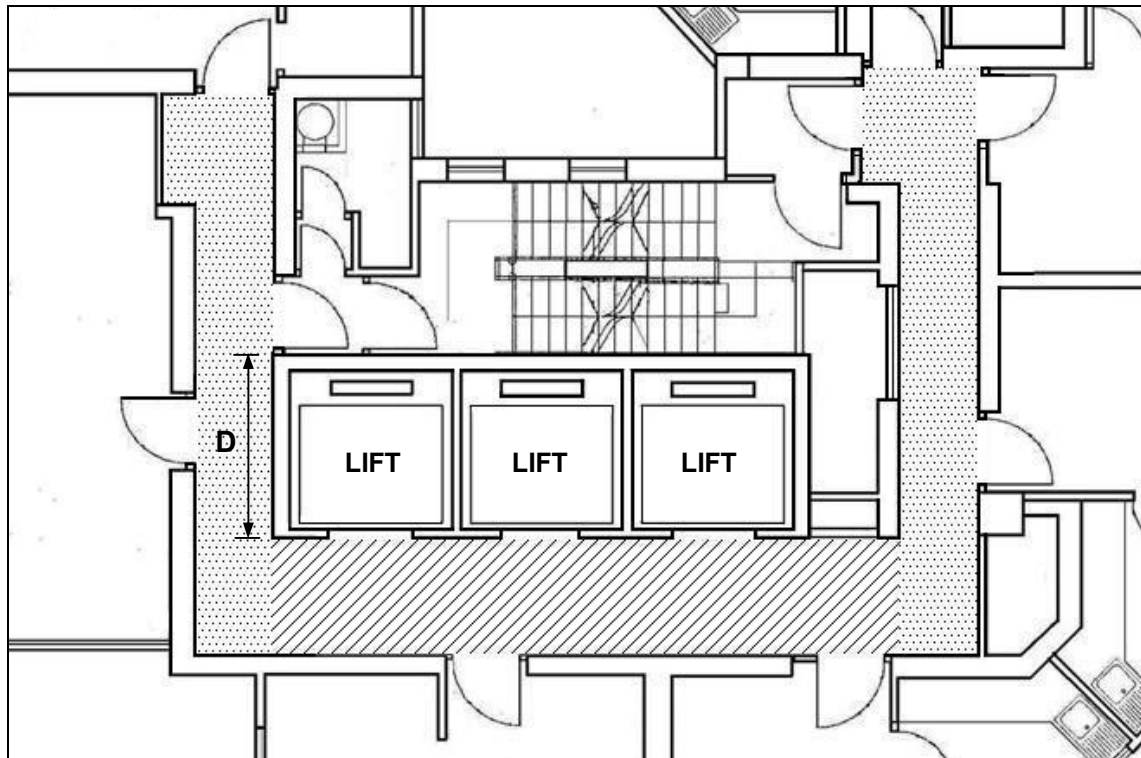
Depth of the lift shaft



H-shaped corridor / lift lobby arrangement

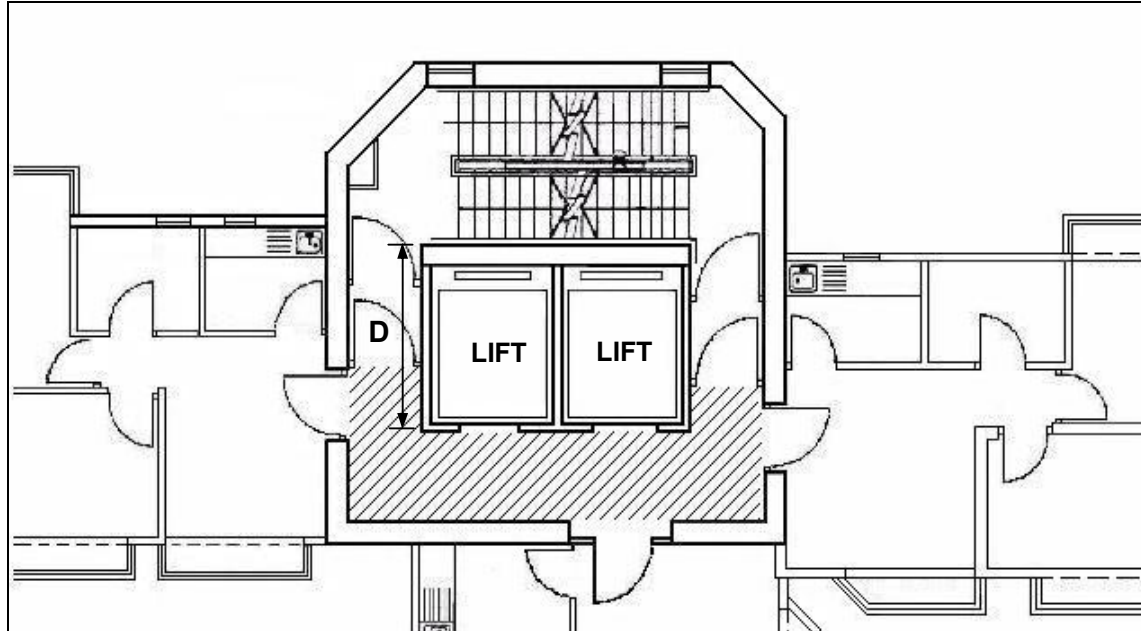
figure 2

In an H-shaped corridor / lift lobby arrangement, the “lift lobby” is the space immediately outside the lift shafts and it stops where it meets the “corridor” at either ends.



U-shaped corridor / lift lobby arrangement

figure 3



U-shaped corridor / lift lobby arrangement

figure 4

In a U-shaped corridor / lift lobby arrangement, the “lift lobby” is the space immediately outside the lift shafts. It may turn directions and extend beyond up to a maximum length which is equivalent to the depth of the lift shaft. If the space extends beyond this depth, it will be considered as a “corridor”.