



Buildings Department



Lands Department



Planning Department

Joint Practice Note No. 2

Second Package of Incentives to Promote Green and Innovative Buildings

Introduction

Following the issue of the Joint Practice Note No.1 (JPN1), this is the second joint practice note issued to promote the construction of green and innovative buildings. The objective, application and conditions for submission as promulgated in JPN1 remain unchanged.

Exemption of the Second Package of Green and Innovative Features from Gross Floor Area and/or Site Coverage Calculations

Under the Buildings Ordinance

2. The following green/innovative features may upon application and subject to conditions be exempted from Gross Floor Area (GFA) and/or Site Coverage (SC) calculations under the Buildings Ordinance:

- (a) Non-structural prefabricated external walls;
- (b) Utility platforms for residential buildings;
- (c) Noise barriers;
- (d) Communal sky gardens for non-residential buildings; and
- (e) Modular Integrated Construction.

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

4. 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

Under the Government Lease

5. 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 2 and 3 above to be excluded from 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.

6. 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 2 and 3 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.

7. 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.

8. 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 the Town Planning Ordinance

9. 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 2 and 3 above and Appendix A, subject to there being no contravention with restrictions on building height and/or SC, if any, stipulated on the relevant Outline Zoning Plan (OZP)/

/Development

Development Permission Area Plan (DPAP). There may be situations where the provision of sky garden may result in building height and/or SC exceeding that permitted under the OZP/DPAP. In such cases, an application to the Town Planning Board for minor relaxation (if such a provision is available under the OZP/DPAP) will be required. Each case will be considered by the TPB on individual merits.

10. 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.

11. 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

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

Formal Submissions and Enquiries on Green Features

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

14. 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.

15. 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

16. 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.

17. 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)

- (a) Utility platforms and the areas underneath the utility platforms are not to be enclosed above parapet height, as detailed in paragraph 2(b) of Appendix A;
- (b) The exhaust outlets for internal bathrooms and lavatories are not to open into the utility platforms and the covered areas underneath the utility platforms, as detailed in paragraph 2(c) of Appendix A; or
- (c) Sky gardens are to be for the exclusive use of the owners, tenants and their visitors only as detailed in paragraph 2(d) of Appendix A.

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

19. 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.

20. 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 the Second Package of Green and Innovative Features from GFA and/or SC Calculations

1. Specific criteria for exempting the second package of 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 does 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 utility platforms are therefore not applicable to hotels.

(a) Non-structural prefabricated external walls

Application for exemption of non-structural prefabricated external walls from GFA and SC calculations will be favourably considered where such provision meets the following criteria:

- (i) It is non-load bearing and satisfies the design requirements of external wall as stipulated in Regulation 38 of the Building (Construction) Regulations¹;
- (ii) The maximum thickness of the wall to be exempted is 150mm;
- (iii) The wall, including its external finishes, does not project beyond the lot boundary;
- (iv) If a door opening is formed in the wall, that portion of the wall formed with the opening will be accountable for GFA and SC calculations;
- (v) Non-structural prefabricated external wall having prefabricated projecting window may also be exempted from GFA and SC calculations provided the maximum thickness of the wall to be exempted is 150mm as mentioned in (ii) above and the design of the projecting window satisfies the criteria stipulated under PNAP APP-19;
- (vi) The external wall finishes of nominal thickness or dry-fixed stone panels with overall thickness of not more than 75mm as the external wall finishes may be disregarded in the measurement of the thickness of such wall for the purpose of (ii) above as well as GFA and SC calculations; and

¹ The prefabricated external walls may be fixed to the load-bearing structure by:
(a) in-situ reinforced concrete joints; or
(b) cast-in anchorage in a structural concrete member; or
(c) being welded to a structural steel member.

- (vii) 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 non-structural prefabricated external walls².

(b) Utility platforms for residential buildings

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

- (i) Only applicable to residential buildings;
- (ii) Not more than 50% of the area of the utility platform is to be exempted from GFA and SC calculations;
- (iii) The maximum area to be exempted for such platform including portion of such platform per residential unit is 0.75m²;
- (iv) The size of any utility platform, including part of which to be exempted from GFA and SC calculations, is not less than 1.5m² in area;
- (v) The utility platform³ is at least 1.5m away from a balcony;
- (vi) There is no projecting window in the room which leads to the utility platform;
- (vii) Not less than 40% of the perimeter to the utility platform faces into the open air⁴ and is not enclosed above safe parapet height, or where the utility platform is attached laterally to another utility platform and the separation between them if provided is of parapet height only, its longer side faces into the open air⁴ and is not enclosed above safe parapet height;
- (viii) It is not located in a re-entrant with an unobstructed width less than 1,500mm or a light well;
- (ix) It does not adversely affect the natural lighting and ventilation provisions to other habitable space, kitchens, bathrooms and lavatories;
- (x) It does not project beyond the lot boundary;
- (xi) There is a minimum of 150mm drop in level from the adjacent interior space which leads to the utility platform;

² Blown-up section for various profiles of non-structural prefabricated external walls should be submitted at the building plan stage.

³ The utility platform may be accessible through a door opening and may be provided with a water supply point and sink.

⁴ For the purpose of this joint practice note, 'open air' has the same meaning as defined under Regulation 2 of the Building (Planning) Regulations.

- (xii) Parapets are of open design such as railing, perforated sheet or mesh so as not to block natural ventilation⁵;
- (xiii) 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 utility platform;
- (xiv) The covered area underneath the lowest utility platform 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 the open air⁴ or where the covered area is attached laterally to the covered area beneath another utility platform, the separation between the covered areas if provided is of parapet height only and its longer side is not enclosed above safe parapet height and faces into the open air⁴; and
- (xv) 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.

(c) **Noise barriers**

Application for exemption of noise barriers from GFA and SC calculations will be favourably considered where such provision meets the following criteria⁶:

- (i) It may be a stand-alone wall, with or without projection, and located away from the main tower, or in the form of cantilevered acoustic panel from external walls of the podium;
- (ii) Where it projects beyond the lot boundary, approvals from the relevant government departments are given;
- (iii) It is not to be used for other purposes including any commercial purposes;
- (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.

⁵ Notwithstanding this criterion, the lowermost 400 mm of such parapets can be of solid construction. The overall design must comply with the relevant fire codes and the acceptance criterion is similar to that for a balcony as described in PNAP APP-123.

⁶ This exemption should not be taken as means to alleviate the need of combating noise at source. Reference can be made to the guidelines issued by the Environmental Protection Department and the Highways Department which are available from their respective websites:
www.epd.gov.hk/epd/english/environmentinhk/noise/guide_ref/noise_guidelines.html and
www.hyd.gov.hk/eng/public/publications/index.htm

GFA exemption is not accorded to a non-noise sensitive building used as a noise buffer.

(d) Communal sky gardens for non-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 space⁷ 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 storeys divided by 20;
 - (iii) Active recreational use is permissible except where the sky garden is located in an industrial building;
 - (iv) It is open-sided above safe parapet height⁸ on at least two opposite sides to provide cross ventilation;
 - (v) 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;
 - (vi) 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 vegetations⁹; and
 - b. within a zone¹⁰ 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 height⁸ and faces into the open air⁴, 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.
- (vii) 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

⁷ 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.

⁸ 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.

⁹ The use of native trees and shrubs with adequate soil depth for the plants chosen is recommended.

¹⁰ 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.

- 10 storeys above the lowest ground storey for improvement of the microclimate at street level;
- (viii) 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;
 - (ix) 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 codes¹¹;
 - (x) It is accessible from the common area only;
 - (xi) Where service lifts are provided, the garden is not served by such lifts;
 - (xii) It has a clear height of not less than 4.5m;
 - (xiii) Exhaust from any ventilating system does not face the garden;
 - (xiv) All planters, furniture and equipment are fixed to floors, walls or similar permanent constructions¹²;
 - (xv) 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;
 - (xvi) 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;
 - (xvii) There is no concern from PlanD on the overall building height; and
 - (xviii) 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) **Modular Integrated Construction (MiC)**

Application for exemption from GFA calculations for buildings adopting MiC will be favourably considered where such provision meets the criteria stipulated in PNAP APP-161.

2. Upon granting a 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

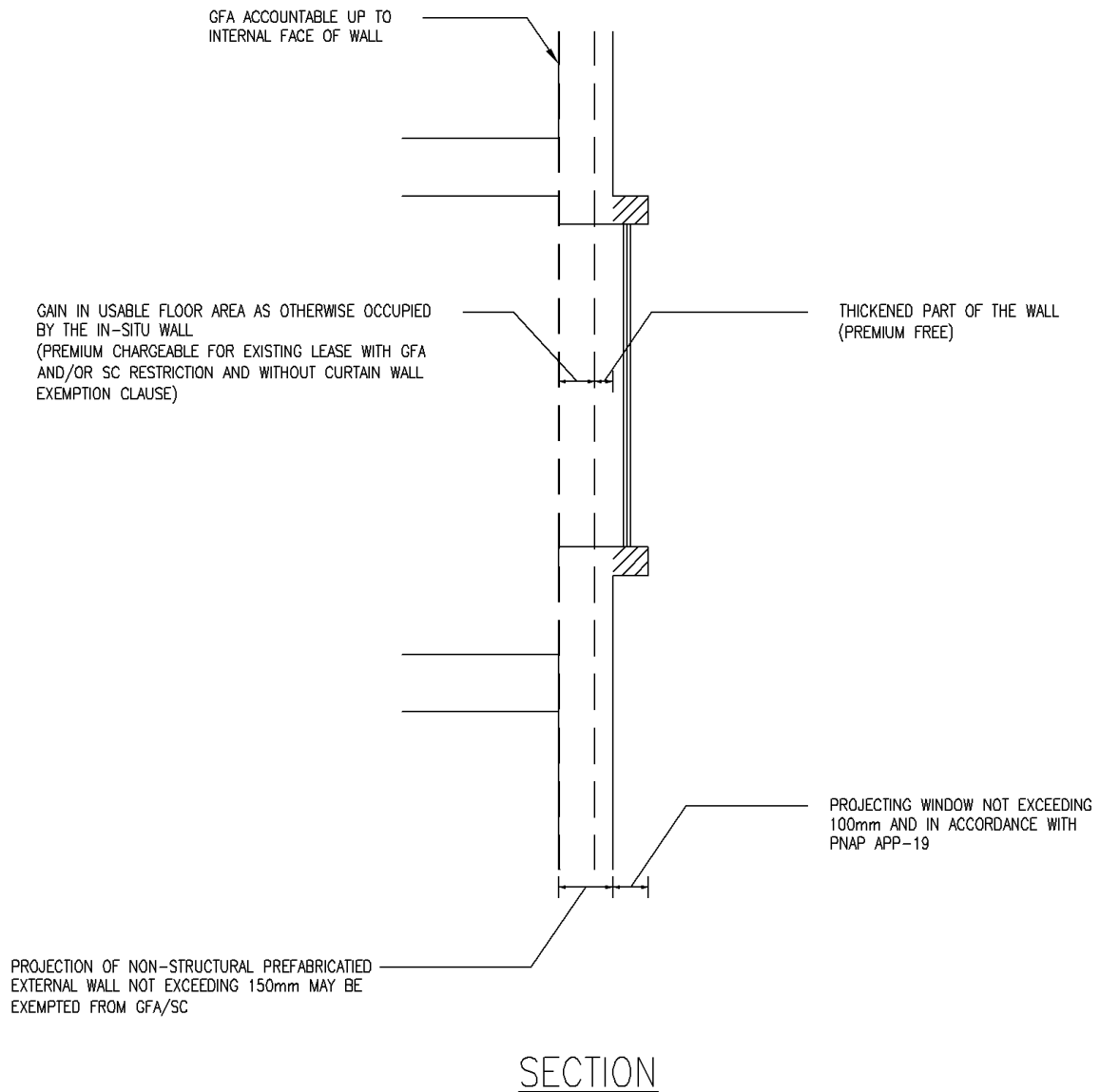
¹¹ For example, a 55-storey building requiring two refuge floors may have two refuge-floor-cum-sky-gardens and one independent sky garden eligible for GFA exemption.

¹² AP/RSEs are recommended to ensure that all trees, planters, furniture and equipment can withstand typhoon conditions.

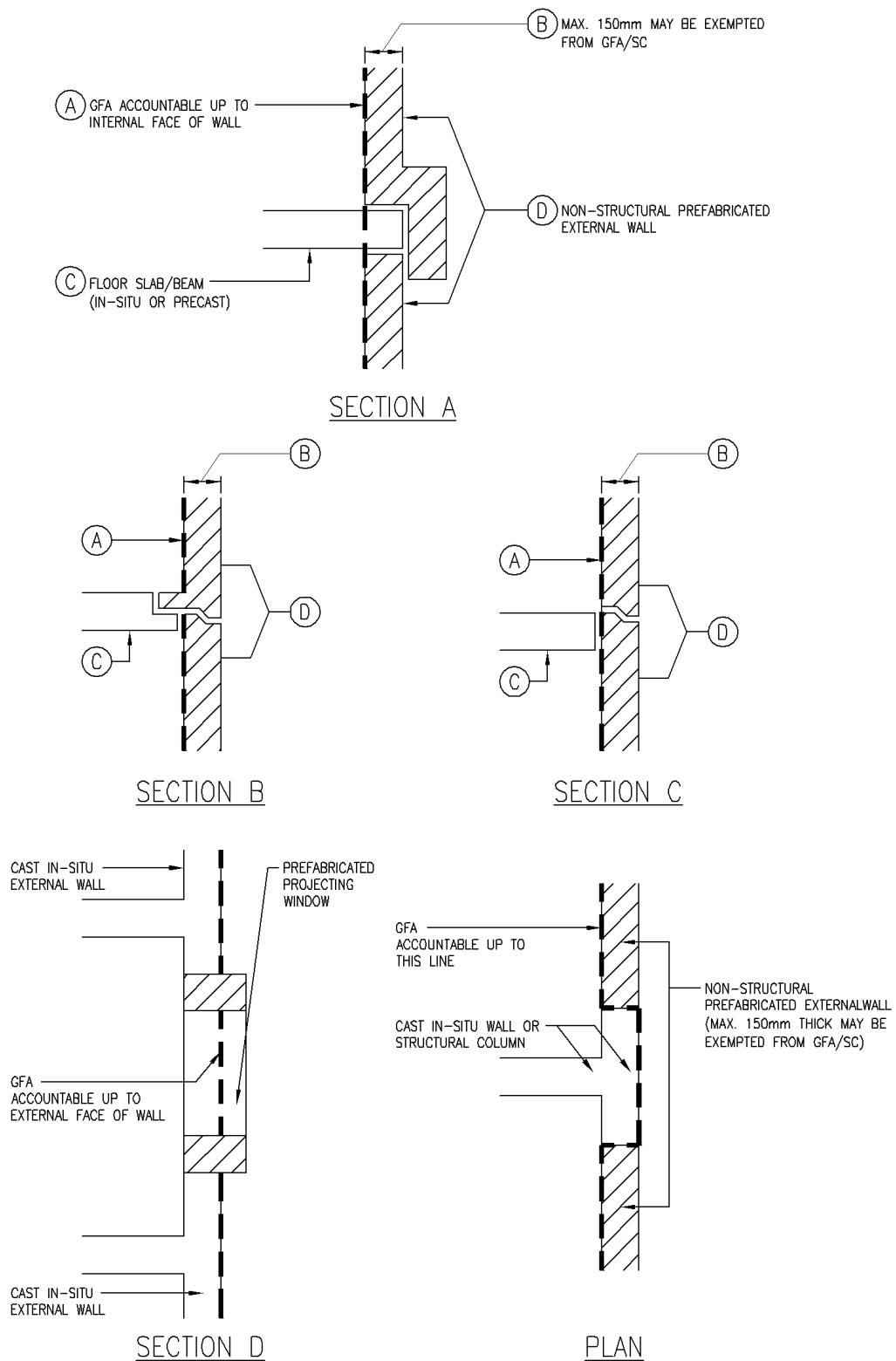
include an undertaking to designate the utility platforms as 'non-enclosed areas' and the sky gardens as 'common areas' in the Deed of Mutual Covenant (DMC) with details of the use and location clearly indicated. Such DMC should contain binding and enforceable conditions for the control, operation, financial support and maintenance for such features. 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) Utility platforms and the covered areas underneath the utility platforms shall not be enclosed above 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 do not open into the utility platforms and the covered areas underneath the utility platforms.
- (d) Sky 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.

Appendix B
(JPN 2)



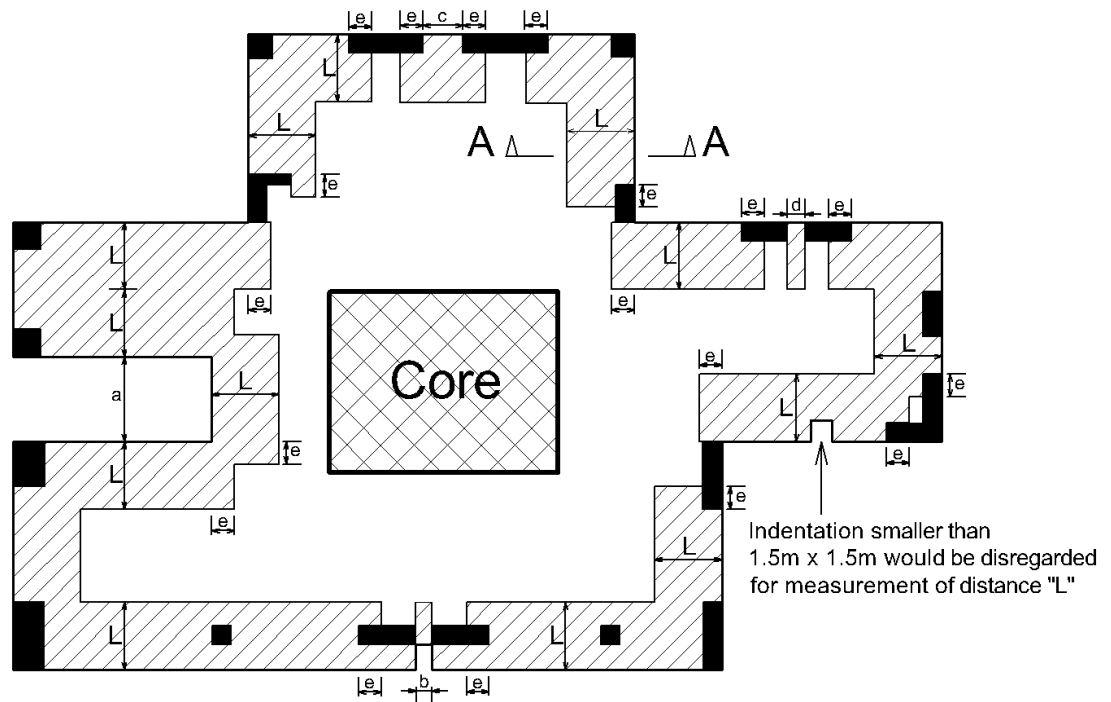
Diagrams for Non-Structural Prefabricated External Walls
figure 1



Diagrams for Non-Structural Prefabricated External Walls


figure 2

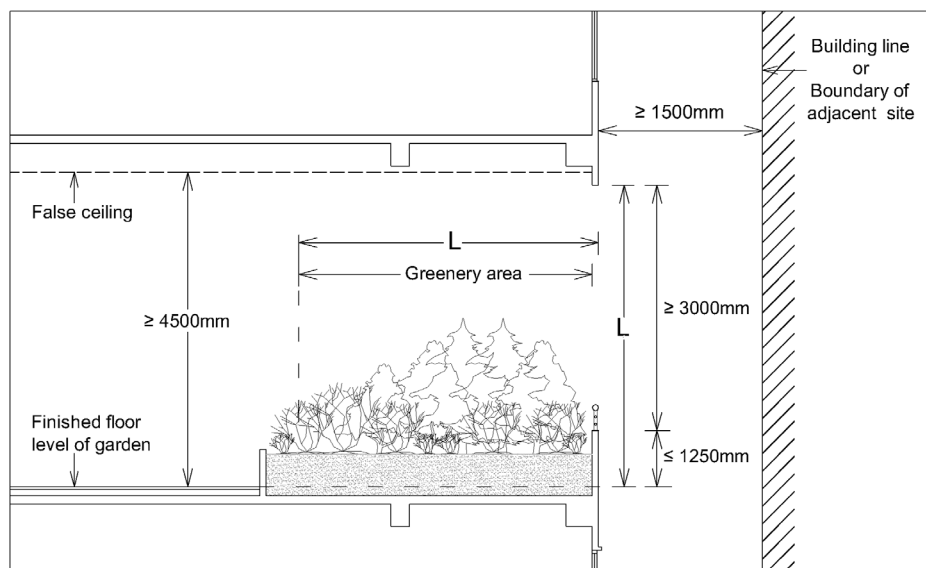
(Rev. 1/2011)



Diagrammatic Plan for Communal Sky Garden / Podium Garden

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