

For discussion on
9 December 2008

Paper No. 01/08

COUNCIL FOR SUSTAINABLE DEVELOPMENT STRATEGY SUB-COMMITTEE

Public Engagement on Fostering a Quality and Sustainable Built Environment

Purpose

This paper seeks Members' views and comments on the proposed scope of the Council's next engagement process on measures to foster a quality and sustainable built environment.

Background

2. In recent years, there has been rising public concern over the quality and sustainability of the built environment. Issues regarding building bulk and height, air ventilation, greening and energy efficiency in buildings have been discussed amongst building professionals, environmental green groups, Legislative Council members as well as the general public. There are demands from the public to urge the Government to take further steps to create a quality and sustainable built environment.

Proposals to Foster a Quality and Sustainable Built Environment

3. The Government is reviewing its policies in the following three major areas that impact on the sustainability of the built environment in Hong Kong. The built environment is shared by all members of the public and any policy changes will directly affect their livelihood. Involvement of the community is thus crucial in the process of mapping out the way forward.

Enhancement of Sustainable Building Design

4. The Government has been reviewing on a regular basis guidelines governing sustainable building design. While considering how best to maintain and enhance economic opportunities and future growth, one must also protect and foster a sustainable and environmentally friendly built environment and improve the quality of the living space. In seeking to improve the sustainability of the built environment and quality of life for people in Hong Kong, the Government in parallel considers how best to plan and develop buildings and cityscape for all to share and enjoy, for this and future generations.

5. Following up on the First Sustainable Development Strategy for Hong Kong¹ issued by the Government in response to the Council Report on the Engagement Process for a First Sustainable Development Strategy in 2005, the Buildings Department ("BD") has commissioned a consultancy study to advise on sustainable building design features that would enhance the urban living space environment. The consultant has recommended certain guidelines for enhancement of air ventilation, pedestrian environment and urban heat island effect. Specifically, the guidelines recommend the following –

- (a) provision of separation between buildings in certain large developments;
- (b) provision of building setback in certain developments abutting narrow streets; and
- (c) enhancement of greening in building sites.

¹ The Strategy set out strategic objectives, targets and plans of action for the three priority areas concerned. For the priority area of urban living space, the Government has set the following targets and plan of action among other things –

Target: To maintain and to review on a regular basis guidelines governing sustainable urban planning and design, with special regard to issues such as buildings affecting view corridors or restricting air flow and the need to proceed in a manner consistent with the overall sustainable development strategy for Hong Kong.

Action: Having regard to the effectiveness of measures to promote sustainable building design features, to consider further enhancing sustainable building design guidelines, with a view to drawing up recommendations for improvement, including an assessment of the implications of setting mandatory requirements in this area.

Provision of Green and Amenity Features in Buildings and Gross Floor Area ("GFA") Concessions

6. To facilitate and encourage the provision of essential, green and amenity features in building developments, it has been an established policy for the BD to grant GFA concessions for these features if they meet certain criteria. The GFA of such features, if approved for concession, will not be calculated towards the total building GFA. The major purpose of the policy is to enhance the functioning of buildings and improve the livelihood of the occupants. There are three existing types of GFA concessions, namely disregarded GFA², exempted GFA³, and bonus GFA⁴. Examples of features covered by such GFA concessions include car parks, plant rooms, balconies, sky gardens, podium gardens and areas dedicated for public passage.

7. In its report published in April 2006, the Independent Committee of Inquiry on the Sai Wan Ho Development on Inland Lot No. 8955 (aka "Grand Promenade") opined that while the Government's policies for encouraging green and innovative buildings and more amenities, facilities and public space were praiseworthy, they undermined the control over the height, bulk and density of buildings by the granting of GFA concessions.

8. Following the report of the Committee, the Government has critically reviewed the policies on GFA concessions and other measures to control building bulk, height and density. The benefits brought about by the provision of essential facilities as well as green and amenity features in buildings on the one hand, versus the impact of building bulk and height on the neighbourhood in terms of air ventilation and visual obstruction on the other, is a matter that requires fine balancing and a clear community consensus. A package of proposals concerning the

² It is stipulated in regulations 23(3)(b) and 23A(3) of the Building (Planning) Regulations (Cap. 123 sub. leg. F) that the Building Authority may disregard any floor space that he is satisfied is constructed or intended to be used solely for a number of features such as parking of motor vehicles, refuse storage chambers, access facilities for telecommunications and broadcasting services, back-of-house facilities in hotels, or other supporting facilities as may be approved by the Building Authority.

³ Section 42(1) of the Buildings Ordinance (Cap. 123) stipulates that where in the opinion of the Building Authority special circumstances render it desirable he may, on receipt of an application therefor and upon payment of the prescribed fee, permit by notice in writing modifications of the provisions of this Ordinance. The Building Authority uses such power to grant GFA concessions for certain features, including green and amenity features and areas not at ground level dedicated for public passage.

⁴ Regulation 22 of the Building (Planning) Regulations (Cap. 123 sub. leg. F) stipulates that if the dedication of set-back area for public passage or surrender of land for road widening at ground level is accepted by the Director of Buildings on behalf of Government in consultation with other Government Departments, bonus GFA equals to five times the area dedicated or less than 20% of the permissible plot ratio, whichever is the less might be granted as a compensation in return for the private area dedicated to the public.

granting of GFA concessions is being developed by the Development Bureau.

Energy Consumption Standards in Buildings

9. Another important area which has a direct impact on the sustainability of the built environment is the standard for consumption of energy in buildings. The Electrical and Mechanical Services Department issued voluntary Building Energy Codes in 1998. With public support during a three-month consultation concluded in March 2008, a new legislation is being prepared to make the Codes mandatory. New commercial buildings, communal areas of residential and industrial buildings and Government buildings would be included in the proposed mandatory scheme. Existing buildings would be required to improve energy efficiency whenever there are major retrofitting works. Energy audits would need to be carried out once every ten years for commercial buildings. The Government also proposed to implement a voluntary recognition mechanism to buildings that can achieve better energy efficiency than the statutory standard. It is also proposed that \$150 million be reserved under the Environment and Conservation Fund to partially subsidise building owners to conduct comprehensive energy and carbon audits and another \$300 million be reserved for offering building owners partial subsidies for energy efficiency projects.

10. Energy consumption is closely related to greenhouse gas emissions. In Hong Kong, buildings account for 89% of total power consumption. Apart from the proposed legislation for the mandatory implementation of the Building Energy Codes, it is proposed that in this public engagement exercise, the public engagement exercise may focus more on other perspectives of reducing building energy consumptions, which are more related to the building elements covered in the policy options. For instance, the exercise can explore how to encourage more energy efficient building design (e.g. through increased use of sunlight, reduction of air-conditioning demand by roof garden etc.).

Public Engagement Process

11. As the above three subject areas cut across a wide spectrum of policy aspects and affect the interest of many sectors of the community, the Government would like to ride on the Council's much acclaimed engagement process to facilitate active and in-depth discussions of these subjects by the community in order to arrive at a set of finely balanced

measures to take the matter forward. It was therefore proposed that the Council collaborate with the Government and other key stakeholders to conduct a public engagement process to identify the preferred options to address public concerns over the three areas described in the above. At its meeting held on 20 October 2008, the Council discussed and endorsed the proposal to proceed with an engagement process on measures to foster a quality and sustainable built environment.

12. Council Members also noted that details of the content and scope of the exercise would be developed in discussion with the Support Group for the engagement exercise, which would be responsible for preparing a new Invitation and Response document and the rollout of the public involvement stage. As a preliminary outline, the engagement exercise could cover the following major questions to be tackled –

- (a) how can we resolve the apparent contradiction between extra GFA granted as incentives for provision of essential, green and amenity features in buildings and public concerns about building height and bulk giving rise to environmental and visual problems?
- (b) should enhanced standards for green, sustainable and energy efficient buildings be made mandatory requirements? If yes, how could these be applied to new and existing buildings? If not, what measures or incentives should be adopted to promote the adoption of such standards?
- (c) while greater sustainability in the built environment may mean higher capital cost but will bring benefits to the community at large, how can wider appreciation and support for such measures be promoted in the building industry and among the general public?

13. The proposed composition and terms of reference of the Support Group are at the *Annex*. The Support Group will, in collaboration with the Government, carefully craft the consultation documents to ensure that the complex concepts of the subjects are presented in a manner easily understood and consumed by members of the public and that useful comments on the proposals will be solicited from different stakeholders and sectors.

14. We aim to kick off the public engagement process around end February 2008. The indicative milestones are as follows -

| Time | Event |
|---------------------|--|
| Dec 2008 | Establishment of Support Group |
| Dec 2008 – Feb 2009 | Preparation of Invitation and Response document |
| End Feb – May 2009 | Public Involvement Stage |
| Jun – Jul 2009 | Analysis of stakeholder views & Drafting of Council Report |
| Aug 2009 | Release of Council Report |

As with the last engagement exercise on Better Air Quality, consultancy services will be commissioned to assist with the conduct of the new engagement exercise. At the moment, tenders are being invited/prepared for recruiting the programme director, independent reporting agency and PR and event management agency for the engagement exercise.

Council Secretariat
December 2008

**Support Group on
Fostering a Quality and Sustainable Built Environment**

Proposed Composition and Terms of Reference

Proposed composition –

Members may include:

- Member(s) of the Strategy Sub-committee
- Experts and academics on building issues
- Other stakeholders including Legislative Council/District Council Members, representatives from the business sector and Non-Government Organisations, etc.
- Representatives from Government bureaux and departments

Proposed Terms of Reference –

- (a) To compile an “Invitation and Response” (“IR”) document, with reference to the information provided by previous reviews and consultancy studies, together with appropriate reference to local and international experiences;
- (b) To design and implement the public involvement stage of the engagement process for public discussion of the IR document and related issues;
- (c) To present the IR document to the public and facilitate interactive discussion by stakeholders with a view to building consensus; and
- (d) To receive and collate responses from stakeholders, with a view to making proposals to the Strategy Sub-committee and Council for Sustainable Development.