



香港地產建設商會

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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Position Statement on the “Building Design to Foster a Quality and Sustainable Built Environment” Consultation

The Real Estate Developers Association of Hong Kong (REDA) strongly supports the systematic implementation of Sustainable Development in Hong Kong. Many Hong Kong developers and building professionals work outside Hong Kong in places where a more positive approach is taken towards encouraging quality and sustainable development than exists in Hong Kong. REDA urges the Council for Sustainable Development and the Government to put in place a holistic and systematic approach to developing Hong Kong in a sustainable manner.

Need for a Sustainable Development Strategy

There is no clear framework or a set of objectives for developing a sustainable built environment. Instead there is a focus on the detailed design and development of buildings without first establishing a context where the various economic, social and environmental factors can be coordinated to achieve clear targets.

The “First Sustainable Development Strategy for Hong Kong” produced by the Government in May 2005 is not broad-based or holistic. It focuses on pilot areas which will not have a significant impact on improving the lives of Hong Kong citizens. It is time that Hong Kong had a Sustainable Development Strategy that truly reflects the complexity of the subject.

The current approach of addressing topical issues on a piecemeal basis has the danger of resulting in unintended and undesirable consequences. There is a need to clearly establish common goals, objectives and targets so that both the public and private sectors can work towards achieving the targets. The need for this type of approach has been pointed out in the “Consultancy Study on Building Design that Supports Sustainable Urban Living Space in Hong Kong” undertaken for the Buildings Department.

The fundamental problems identified in the above-mentioned study have been largely ignored in carrying out the present consultation on “Building Design to Foster a Quality and Sustainable Built Environment”.

Fundamental Principles

There are a number of fundamental principles that should be applied when addressing this subject.

1. Protection of Property Rights

The ownership of private property is a fundamental component of Hong Kong society and a very important part of the economy. The rights of every landowner are protected by the



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Basic Law. The introduction of any measure which may impact negatively on rights of ownership needs to be considered carefully, and only implemented if no alternative is available.

2. *Society is Demanding a Better City*

Hong Kong people are demanding a better environment to live, work and play in. Only a small portion of these demands can be met in the construction of new buildings by the private sector. The majority of these demands for an improved environment relate to what can be achieved in the public realm. The main focus of action should be on improving the public realm so as to meet society's demands in a quicker and more effective manner.

3. *Wise Use of Community Land Resources*

Government holds land for the people of Hong Kong. It is the most important public resource and must be used sensibly and carefully. Sustainable Development calls for a long term approach to the management and use of land. An improved quality of urban environment may mean that less land or land with reduced development potentials should be sold for development purposes and more should be used for open space and community uses. However, Government land sales have historically been an important source of public revenue used for infrastructure development. Recent history has shown only a few pieces of Government land being sold. The Government could take this opportunity to review the appropriate use of these Government sites for the best long term community interest.

4. *Address Known Problems Directly and Anticipate Likely Changes*

There is wide international and local acceptance of major issues which relate to the environment, most of which are supported by scientific study. These include :-

- Global warming
- Increasing urban heat island effect
- High levels of air pollution, particularly at street level
- Increasing demand for energy
- Demand for better housing and associated amenity
- An increasing public awareness of conservation and 'green' issues.

There should be a broad approach to addressing these known issues, as the causes and effects are multi-dimensional and cannot be effectively addressed by a single topic approach as in the Consultation Document.

5. *An Efficient, Fair and Certain Development System*

The development system should be efficient in the use of resources, fair to all participants and provide certainty to those who invest in it as developers or end users. It should also provide a high quality product which is sustainable on a long term basis. In terms of certainty



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for investment, gradual changes are more likely to ensure that potential negative economic impacts are minimised.

6. *Government Determines Development Content*

Landowners are required to develop in accordance with the regulatory framework, controlled by the Buildings Ordinance, Town Planning Ordinance and land leases. As land premium is determined by Government on maximum development potential, it is usually only commercially viable to develop each site within the narrow flexibility permitted by the regulatory framework. If Government would accept a lower land sale premium and set lower limits on the development potentials when selling land, then the bulk and height of the development will be less.

General Responses to the Consultation Document

1. Scope of Document could be more Holistic and Addressing the Significant Issues Directly

The Consultation Document only focuses on the design of buildings within their own site and then concentrates on only three issues. While recognising some of the limitations of the approach, the Consultation Document has not properly addressed the known problems mentioned above. Instead it has focussed on building separation, impact of GFA on building bulk and energy efficiency in buildings, which are likely to have indirect and minimal effect.

2. Need to look at Solutions in the Neighbourhood and on Community Basis

The approach adopted only looks for solutions on private land. It does not look at the neighbourhood and the fundamental significance that public spaces, such as roads, community uses and open space, have in creating space around buildings, air ventilation corridors and large areas of significant greening. Given the small size of many lots in Hong Kong, the relationship and spacing between buildings must be addressed outside the private land holdings if a genuine attempt is being made to address these known problems.

3. Must Distinguish between New Development Areas and Existing Built-up Areas

The issues for new development areas are different from those in existing areas, but there is no distinction made in the Consultation Document.

In new areas the Government determines the extent and amount of development, the requirements for roads, greenery and public open space. Modern requirements for sustainable development can be incorporated into the planning of the layout of the new area. Lots are sold for development subject to conditions which all potential purchasers are aware of, and this can be taken into consideration when buying the land. In new development areas



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there is no reason why all of the requirements and proposals mentioned in the Consultation Document cannot be built into the total development process by Government.

In developed areas the opportunities for introducing significant changes are constrained by the existing city fabric - large areas of private land holdings, existing road network and existing building development. A different approach is therefore required. Changes can only be introduced slowly and in a piecemeal basis. Adequate incentives need to be provided to private landowners to give up part of their existing rights to provide desirable public benefits.

4. Need to Distinguish Between the Character of Different Areas

The Consultation Document makes proposals which are of general application. This does not relate to the reality of the urban environment. There is a need to identify the different characteristics of areas and propose specific measures to address clearly identified problems. For instance, the continuous shopping street frontage of older areas such as Mong Kok and Causeway Bay are vital components of the character of the area. There are many small lot sizes there, and the introduction of ineffective gaps between buildings on redevelopment may negatively impact on the character of these areas and create management problems in spaces between buildings. Alternatively, some of the concerns over podium coverage may not be applicable to lower density residential areas where space is provided outside the lot. Different solutions need to be identified for different areas.

5. Need Incentives for Urban Renewal

When the existing Buildings Ordinance was introduced in the 1960's it completely changed the approach to building design from the former 'volume' approach to the 'tower on podium' approach. Under the previous controls development was permitted with high site coverage and part of the building protruding over the street. Many of the buildings built under these controls remain and create the 'canyon effect' in areas such as Mong Kok, North Point and Wan Chai. The lack of change after 40 years indicates the difficulty and time required to change the physical environment. It also indicates the lack of incentive to redevelop these high density buildings.

The introduction in the Building (Planning) Regulations of plot ratio, site coverage and building height controls, was designed to provide space around the building for light and ventilation. The same issues are being discussed today. However, they are being directed at the existing controls rather than at buildings built under the previous controls when many of the problems were created and still remain.

The Consultation Document proposes the removal of incentives which are already inadequate to encourage redevelopment of these 'undesirable' buildings. One of the unintended consequences of the current discussion on removing incentives is that redevelopment of buildings built more than 40 years ago will be even slower. This will not be conducive to the urban renewal process.



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6. Environmental Quality at Street Level

The quality of the environment at the pedestrian level has been identified as a major area of concern. However, the Consultation Document has ignored possible solutions in the public areas of streets and open spaces, and focuses on intrusion into private land. The need to increase space for pedestrians and greening should first focus on re-designing and re-prioritising use of public space for vehicles, people and planting. The removal of pollution at street level by removing or controlling polluting vehicles would more effectively achieve improved air quality than introducing measures to reduce podium heights and provide space between buildings in old developed areas.

7. Costs and Value

The Consultation Document asks questions about costs and value. A more sustainable built environment has long term benefits and value for Hong Kong, and for this reason, a comprehensive approach should be adopted as soon as possible. Hong Kong people value good quality. Studies have shown that they value good quality open space more than the income received from the sale of government land. It is therefore important to re-assess the planning and development of our community land so as to provide the best quality urban environment.

The Hong Kong property market operates on a value basis rather than a cost basis. The largest cost component is the land cost and not building costs. New measures to improve building sustainability are unlikely to have a significant increase in the cost of property, but may result in an increase in value. Any increase in costs would only have impact on new buildings and not significantly on the main stock of existing private buildings. New requirements introduced into sale sites, such as underground car parking, may result in a reduction of land premium to Government, but this short term loss in revenue would be balanced by a long term increase in value, and quality of life.

8. Building Height and Bulk Already Controlled

The Consultation Document contains unsubstantiated information relating to excessive building height and bulk arising from GFA concessions. Meanwhile the Government is systematically introducing building height restrictions on Outline Zoning Plans so that 'excessive building height' is no longer an issue. Also, in most cases the bulk of development is restricted by plot ratio controls on Outline Zoning Plans or in lease conditions. The whole discussion of the impact of GFA concessions in the Consultation Document does little to contribute to the implementation of a sustainable built environment. One of the unintended consequences of the discussion on GFA concessions would be the provision of less sustainable buildings, and the removal of building quality components, such as recreational facilities and balconies, which have become accepted by Hong Kong people as an integral part of a quality and sustainable development.



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9. Need to Reassess Development Content of Sale Sites

The report of the Independent Committee of Inquiry on the Grand Promenade case published in April 2006 suggested that the Government planning and land sales process should no longer sell sites with:-

- excessive development requirements,
- inclusion of floor space for public facilities,
- provision of public open space in private developments.

If Government seriously wants to address the bulk and size of development, then the maximisation of land revenue from excessive development is no longer an appropriate policy. Also the provision of government facilities and public open space should be provided separately by Government, and not included in sale sites. By adopting this approach a significant improvement in the urban environment would be immediately apparent with better open space provision and less bulky development.

Specific Responses to Consultation Document

While REDA has significant reservations about the Consultation Document because it does not take a holistic approach, the following comments are made on the detailed questions asked. These are made in the context of the general points made above.

1. *Sustainable Building Design Guidelines*

Building Separation

- (a) Separation in new areas should be built into a sustainable masterplanning approach to new development areas by Government, so that flexibility is provided within development sites for good building design and development.
- (b) In developed areas Government should minimise sale of land, so as to avoid increasing development density and provide more space between existing buildings. Sites on the sales list which would create problems should be replaced by sites in new development areas, and be rezoned for public open space and community uses.
- (c) Major public parks should be created at Hung Hom, North Point and other areas so as to meet open space requirements, improve greenery, improve air ventilation and improve the sustainability of these densely developed areas.
- (d) The proposed building separation provisions are unlikely to be effective in sites in old areas, so other measures for improving the public realm should be given a priority.



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Building Setback and Podium Form

- (e) Building setback for public passage has been effective under the existing arrangements. The provisions should be retained.
- (f) Building setback for amenity purposes is not part of the existing system and if it is to be implemented then it should be on a similar incentive basis to that for public passage. Amendments to the Building (Planning) Regulations should be made.
- (g) Priority should be given to improving the public realm.
- (h) There may be scope for reducing the height of podiums in certain locations, allowing better ventilation, less building adjacent to pedestrian areas, while retaining the character and development value. This needs further investigation.

Greenery

- (i) Greenery should be looked at on a neighbourhood basis and specific targets in percentage of green coverage from public and private land established. Government should take steps to urgently provide new green areas on public land as this would have the greatest and fastest impact.
- (j) Public open space provision should be increased to at least meet the minimum standard of 2m² per person. In some areas a greater provision should be achieved so as to reflect public demands for more green and recreational space. Government should establish a priority for implementing open space requirements.
- (k) Greenery requirements in private developments will have an insignificant impact in developed areas and should only be seen as complementary to what can better be achieved in the public realm. Green roofs and podium should be encouraged.

2. *GFA Concession Policies*

- (a) Generally the GFA concession system is considered to be working well by providing a means within the regulatory system for desirable facilities of a sustainable nature. There is no proven argument that the system is resulting in unacceptable building bulk or height.



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- (b) Mandatory features should continue to be provided on a concessionary basis and provisions up-dated to provide certainty to government officials, developers and future owners so that suitable provision will be made.
- (d) Car parking provision is exempt from GFA calculation under the Buildings Ordinance and should remain so. The amount of parking provision is a matter of transport policy and the developer must provide what is required by the standards. For new land sale sites, a requirement to provide car parking underground on suitable sites could be included in sale conditions, if considered necessary.
- (e) Provisions for the dedication or surrender of areas for public passage and road widening should remain in place to encourage private landowners to make available part of their land for public use. If these provisions are removed, then it is unlikely that this important public provision would be provided and there would be less incentive to redevelop existing buildings.
- (f) The GFA concessions for other facilities have a significant benefit in the management and use of buildings. Rather than being exceptional features, some such as building management facilities, sky gardens, utility platforms, etc, should now be included as features for which concessions are granted.
- (g) Ancillary Recreational Facilities are essential parts of modern living in Hong Kong and should be encouraged to be provided as they improve the living qualities and contribute to the overall provision of community facilities.
- (h) A concession cap overall is considered undesirable as each concession is capped in its own way. Provision of all benefits should be encouraged where appropriate.

3. *Energy Efficient Building Design*

- (a) REDA fully supports the promotion of energy efficiency in buildings but does have concern over obtaining a balance between environmental sustainability and cost effectiveness.
- (b) REDA supports the adoption of EMSD's Building Energy Code in new buildings, but recognition should also be given to other schemes such as HK-BEAM.
- (c) REDA agrees that existing buildings should be required to improve their energy efficiency performance.



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Conclusion

The Consultation Document asks the significant question “What factors make for a better Sustainable Built Environment?” but then does not allow it to be properly addressed. REDA considers the achievement of a Sustainable Built Environment will not be accomplished unless a full Sustainable Development Strategy is prepared for Hong Kong.

There are real issues that need to be addressed and Hong Kong lags behind other progressive cities such as Tokyo, in taking sustainable development seriously. Government must make significant changes in the way it plans and develops our city. It should consider forgoing development in certain locations so that significant new areas of public open space and greening are urgently provided to address the heat island effect, improve air quality and provide a more liveable city.

REDA has commissioned a multi-disciplinary consultancy study to support this Position Statement and to make a contribution to the development of a fully sustainable approach to urban development.

The Real Estate Developers Association of Hong Kong
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