



Self-Certification of Compliance Provision of Sales Office and Show Flats

This practice note (“PN”) sets out the streamlined approval arrangement under lease¹ for providing sales office and show flats and related marketing activities in residential developments².

2. Where a lot owner intends to seek written approval from the Director of Lands (“the Director”) pursuant to the “Provision of sales office and show flats” clause in the lease (“the Clause”) for erecting on the lot separate temporary structure(s) and/ or using parts of building(s) on the lot for use as a sales office and show flats and related marketing activities to facilitate the sale of residential units on the lot, approval would normally be given provided that the proposed scale and period of operation of such sales office and show flats and related marketing activities are temporary and reasonable.

The Streamlined Arrangement

3. Under the streamlined arrangement, the lot owner may opt to appoint a registered professional³ (“RP”) to prepare and submit a self-certification of compliance (“SCC”) in relation to the requirements under the Clause, comprising Form 1 (“Self-Certification Form”) and Form 2 (“Owner’s Statement”) (both attached to this PN), to seek the approval in accordance with paragraph 2 above from the relevant District Lands Office⁴ (“DLO”). For compiling the SCC, the RP should refer to the “Guidance Notes on Provision of Sales Office and Show Flats”

¹ All references to “lease” in this PN shall include Government Lease or Conditions of Sale / Grant / Exchange, etc. as the case may be and “lease” shall be construed accordingly.

² Residential developments include private residential developments or composite commercial / residential developments.

³ RP includes Authorized Person / Registered Professional Surveyor (General Practice) / Registered Professional Surveyor (Building Surveying) / Registered Architect.

⁴ DLO includes Railway Development Section.

which are available on Lands Department (“LandsD”) website (<https://www.landsd.gov.hk/doc/en/practice-note/lpn/PN 5 2022 Guidance.pdf>).

4. The SCC submission shall be made upon the issuance of pre-sale consent under the LandsD Consent Scheme. Approval given under paragraph 5 or 6 below shall be valid until the application for issuance of a Certificate of Compliance under lease is lodged by the lot owner with LandsD.

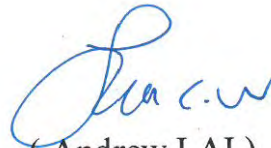
5. All valid SCC submitted to DLO will be entered into a register and randomly selected for full compliance checking. The RP will be notified by DLO whether the submission is selected for full compliance checking within 10 working days from the date of receipt of the valid SCC submission (“the Receipt Date”). If the SCC is not selected for full compliance checking, LandsD pledges to issue a letter of acknowledgement to the RP within 10 working days from the Receipt Date signifying a deemed approval under the Clause. Such approval shall be subject to and deemed to have contained the terms and conditions as specified in paragraph 2 of the Owner’s Statement.

6. If the SCC is selected for full compliance checking, the RP will be notified of the result within 8 weeks from the Receipt Date after the checking of the SCC submission and on-site inspection. If rectification of the SCC submission and/ or any concerned works or provision on the lot are required after the checking, the RP shall submit, upon completion of all works and/ or provision (as the case may be), a fresh Form 1 and Form 2 for further checking. If the full compliance checking has been conducted and no rectification and/ or any concerned works or provision are required, DLO will issue a letter of approval under the Clause which may contain such terms and conditions as the Director may think fit.

7. The deemed approval under paragraph 5 above shall not be construed as an acknowledgement that anything indicated in the SCC based on which a deemed approval is given under this PN is in all respects in compliance with other lease conditions. Any such deemed approval based on the SCC submitted by the lot owner and the RP shall not in any way prejudice LandsD’s rights to revoke or withdraw the deemed approval for any reasons. LandsD reserves its right to revoke or withdraw the deemed approval if it finds out at any time that the SCC does not comply with LandsD’s requirements or upon any breach of the terms and conditions as specified in paragraph 2 of Form 2.

8. Nothing in this PN shall in any way fetter or affect or prejudice the rights of the Government, the Director and their officers under the relevant lease or the Government’s rights as lessor or landlord, and all such rights are hereby reserved. Nothing in this PN including any words and expressions used shall in

any way be construed as any variation or waiver of any provisions under the relevant lease or affect or bind the Government in relation to interpretation or enforcement of the terms and conditions of the relevant lease or otherwise. All rights to modify the whole or any part of this PN are hereby reserved.

A handwritten signature in blue ink, appearing to read 'Andrew Lai', is positioned above the printed name.

(Andrew LAI)
Director of Lands
12 May 2022

Form 1 – Self-Certification of Compliance
Provision of Sales Office and Show Flats
and Related Marketing Activities under Lease^{Notes(1)&(2)}

To: *District Lands Office/# _____ / # _____ Section of Lands Department

Section I

Lot Number (No.) # _____ (“the Lot”)

Address # _____

Date # _____ (dd/mm/yyyy)

Section II

I, # _____, hereby confirm that I am * an Authorized Person/ a Registered Professional Surveyor (General Practice) / a Registered Professional Surveyor (Building Surveying)/ a Registered Architect registered under the Buildings Ordinance (Cap. 123) / Surveyors Registration Ordinance (Cap. 417) / Architects Registration Ordinance (Cap. 408) (Registration No. # _____), appointed or authorized by the owner(s) of the Lot, to act on his/their behalf to submit a Self-Certification of Compliance (“SCC”) pursuant to Lands Department (“LandsD”) Lands Administration Office Practice Note No. 5/2022 (“LAO PN No. 5/2022”) for application for an approval under Special Condition No. # _____ of the lease *to use part(s) of the building(s) on the lot / to erect on parts of the lot separate temporary structure(s) / to use parts of the building(s) on the lot and erect on parts of the lot separate temporary structure(s) (the location and gross floor area of which are indicated on the General Building Plans approved by LandsD on # _____ as attached hereto) with a gross floor area of # _____ m² (“the Premises”)

- i) for the purposes of occupation and use as a sales office and show flat(s) and related marketing activities to facilitate the sale of the building or buildings or any part thereof to be erected on the Lot in accordance with the lease (“the Purposes”); and
- ii) on a temporary basis for the period from # _____ to the date of application for issuance of a Certificate of Compliance for the Lot (“CC”) by the owner(s) of the Lot (“the Period”).

Section II

I hereby certify that the Premises for the Purposes complies with all lease conditions and warrant that upon the expiration or sooner determination of the Period for which the Premises may be used for the Purposes or the withdrawal or revocation of any approval given based on this SCC, the Premises shall cease to be so used, and shall in all respect be subject to all the General and Special Conditions contained in the lease including any user and maximum gross floor area restrictions; and that any temporary structure(s) erected shall be demolished and removed by and at the expense of the owner(s) of the Lot.

Section III

The following documents are attached hereto:

- ☐ One set of certified copy of full land search register of the Lot and the lease pertaining to the Lot;
- ☐ A copy of Consent letter dated #_____ issued by LandsD under the LandsD Consent Scheme for the development; and
- ☐ A plan showing the gross floor area and location of the Premises by indicating on the relevant portion of the General Building Plans approved by LandsD on #_____.

Section IV

I hereby declare that all the information in this Form together with the plans and drawings attached are true and complete, and agree that if the same are not true and complete, any approval based on this SCC, if given, will be deemed to have been withdrawn.

I hereby acknowledge that the Director of Lands (“the Director”) is not obliged to keep the content of this Form, its attachments/enclosures or any documents submitted in support of or in relation to the application in this Form confidential, particularly in circumstances when the Director considers that disclosure is in the public interest and/ or it would be reasonable for the Director to accede to requests from third parties with interest over the Lot for access to this Form. This acknowledgement applies irrespective of whether the consent in the following paragraph is given or not.

Section IV (cont'd)

- ☐ Insofar as consent is required under any statutory, regulatory or other provisions, I hereby consent and/or have procured consent from the relevant intellectual property rights owner that the Director may, after issue of the CC, disclose the content of this Form, all attachments/enclosures and any documents submitted in support of or in relation to the application in this Form to any third party including members of the public upon request of any such third party, media or otherwise, or on LandsD's own accord.

Section V

Signature
*(signed by the * Authorized Person/
Registered Professional Surveyor (General
Practice) / Registered Professional Surveyor
(Building Surveying)/ Registered Architect
with valid registration chop affixed)*

Name of * Authorized Person/ Registered
Professional Surveyor (General Practice) /
Registered Professional Surveyor (Building
Surveying)/ Registered Architect

Registration No. # _____

Date # _____ (dd/mm/yyyy)

Notes:

- (1) This Form shall be used in conjunction with **Form 2** for submission of a SCC on provision of sales office and show flats under lease pursuant to LAO PN No. 5/2022.
 - (2) All references to "lease" in this Form shall include Conditions of Sale / Grant / Exchange, etc. as the case may be.
- # Fill in as appropriate.
- * Delete as appropriate.
- ☐ Tick the box as appropriate.

Personal Information Collection Statement

*PLEASE READ THE FOLLOWING
BEFORE COMPLETING THIS FORM*

- 1. The information provided in this Form including all attachments/ enclosures and any documents submitted in support of or in relation to the application in this Form will be used by LandsD for the purposes of considering and processing the application in this Form on the provision of sales office and show flats and for other purposes related to such submission.*
- 2. The provision of the personal data in this Form is obligatory. The application in this Form on the provision of sales office and show flats will not be processed if you fail to provide all the information as requested.*
- 3. The information provided in this Form including all attachments/ enclosures and any documents submitted in support of or in relation to the application in this Form may be disclosed to other Government Bureaux / Departments for the purposes mentioned in paragraph 1 above.*
- 4. You have the right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided in this Form on payment of the applicable charge.*
- 5. Enquiries on the personal data collected, including the request for access to and correction of the data, should be addressed to the Departmental Personal Data Controlling Officer of Lands Department, 20/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.*

**Form 2 - Owner's Statement regarding
Self-Certification of Compliance for
Provision of Sales Office and Show Flats
and Related Marketing Activities under Lease** ^{Notes (1)&(2)}

To: *District Lands Office/#_____ / #_____ Section of Lands Department

*I / We, #_____ (*Name of the Lot Owner(s)*), have appointed or authorized the * Authorized Person/ Registered Professional Surveyor (General Practice) / Registered Professional Surveyor (Building Surveying)/ Registered Architect, #_____ (*Name*) (Registration Number (No. #_____)) ("the Registered Professional"), to act on *my / our behalf to submit a Self-Certification of Compliance ("SCC") in Form 1 pursuant to Lands Department ("LandsD") Lands Administration Office Practice Note No. 5/2022 ("LAO PN No. 5/2022") for application for an approval under Special Condition No. #_____ of the lease of #_____ (*lot number*) ("the Lot") for the use and erection (where applicable) of the Premises for the Purposes and for the Period all of which as defined in the Form 1 dated #_____ (dd/mm/yyyy) which is to be submitted by the Registered Professional to *District Lands Office/#_____ / #_____ Section of LandsD for processing the application in Form 1.

2. In consideration of LandsD agreeing to process the above application, *I / We hereby acknowledge and agree that any approval based on this SCC ("the Approval"), if given, shall be subject to and deemed to have contained the following terms and conditions:-

- (a) *I / We shall observe and comply with all Ordinances, bye-laws, regulations, rules and other enactments relating to the use of the Premises or any part thereof for the Purposes and all requirements which may be imposed by any Government departments or authorities.
- (b) *I / We shall obtain all necessary licences, permissions and approvals required from the appropriate authorities for the use, erection (if applicable) and occupation of the Premises or any part thereof for the Purposes at *my / our own

cost and arrangement. If such licences, permissions or approvals cannot be obtained from the relevant authorities, the Approval shall be deemed to have been withdrawn.

- (c) *I / We shall indemnify and keep indemnified the Government, its officers and employees from and against all actions, costs, claims and demands whatsoever and howsoever arising whether directly or indirectly out of, in connection with or incidental to the use and erection (if applicable) of the Premises or any part thereof for the Purposes.
- (d) Upon the expiration or sooner determination of the Period for which the Premises may be used for the Purposes as specified in Form 1 or the withdrawal or revocation of the Approval, the Premises shall cease to be so used and shall in all respects be subject to all the General and Special Conditions contained in the lease including any user and maximum gross floor area restrictions. *I / We undertake to demolish and remove any temporary structures erected for the Purposes at *my / our expense upon the Premises ceasing to be used as aforesaid.
- (e) Save for the Approval, all the General and Special Conditions contained in the lease shall remain in full force and effect, and nothing contained in the SCC or the Approval thereunder shall prejudice LandsD's position regarding compliance with other lease conditions.
- (f) The proviso for re-entry in the lease on the breach, non-performance or non-observance of any of the General and Special Conditions contained in the lease shall extend to the breach, non-observance or non-performance of any of the terms and conditions as contained in paragraphs (a) to (e) above.
- (g) Nothing contained in the Approval shall prejudice any of the rights and remedies of co-owners under any Deed of Mutual Covenant governing the Lot, or the rights and remedies of the mortgagee or charge (if any) in respect of the Lot.

- (h) Notwithstanding any other provisions of the Approval including any provision which purports to confer a benefit on a person who is not a party to the Approval, the Approval is not intended to and does not give any person who is not a party to the Approval any right to enforce any provisions of the Approval under the Contracts (Rights of Third Parties) Ordinance, and a person who is not a party to the Approval shall not have any right under the Contracts (Rights of Third Parties) Ordinance to enforce any provisions of the Approval.
- (i) The Approval may be revoked by LandsD at its sole and absolute discretion at any time without any compensation payable and shall be deemed to have been revoked upon any breach, non-compliance or non-observance of any of the above terms and conditions or any requirements of LandsD or any conditions in the lease.

*I / We hereby also acknowledge that the Director of Lands (“the Director”) is not obliged to keep the content of this Statement and Form 1, all attachments/enclosures or any documents submitted in support of or in relation to the application in Form 1 confidential, particularly in circumstances when the Director considers that disclosure is in the public interest and/ or it would be reasonable for the Director to accede to requests from third parties with interest over the Lot for access to this Statement and Form 1 . This acknowledgement applies irrespective of whether the consent in the following paragraph is given or not.

- ☐ Insofar as *my / our consent is required under any statutory, regulatory or other provisions, *I / We hereby consent and/or have procured consent from the relevant intellectual property rights owner that the Director may, after issue of the CC, disclose the content of this Statement and Form 1 mentioned above, all attachments/ enclosures and any documents submitted in support of or in relation to the application in Form 1 to any third party including members of the public upon request of any such third party, media or otherwise, or on LandsD’s own accord.

Date : #_____ (dd/mm/yyyy)

Name: [#]

Witness name: [#]

Address: [#]

$$[\# \quad \quad \quad]$$
OR^(a)

Sealed with the Common Seal of the Lot Owner
and signed by:

Name: [#]

Capacity: # _____

in the presence of

Witness name: [#]

Address: [#]

$$[\# \quad \quad \quad]$$

^πPlace of Incorporation of the Lot Owner: #

^π Liability of its members is # _____

OR \wedge

Executed by the Lot Owner acting through

[#] , its sole director

or

[#] , its director and
[#] , its director

or

[#] , its director and
[#] , its company secretary

in accordance with sections 127(3) and 127(5) of Companies Ordinance (Cap. 622)
in the presence of

Witness name: [#]
Address: [#]
[#]

Notes:

- (1) This Form shall be used in conjunction with **Form 1** for submission of a SCC on provision of sales office and show flats under lease pursuant to LAO PN No. 5/2022.
- (2) All references to “lease” in this Form shall include Conditions of Sale / Grant / Exchange, etc. as the case may be.

@ Applicable where the Lot Owner is a limited company and executes this Statement under its common seal.

π Applicable where the Lot Owner is a non-Hong Kong company. Insert the place of incorporation and insert “limited” if the liability of the members is limited.

^ Applicable where the Lot Owner is a limited company incorporated in Hong Kong and executes this Statement in accordance with sections 127(3) and 127(5) of the Companies Ordinance (Cap. 622).

Fill in as appropriate.

* Select as appropriate.

☐ Tick this box if the Lot Owner agrees to give the consent as set out in this paragraph.

Personal Information Collection Statement

**PLEASE READ THE FOLLOWING
BEFORE COMPLETING THIS FORM**

1. *The information provided in this Form including all attachments/ enclosures and any documents submitted in support of or in relation to this application in Form 1 will be used by LandsD for the purposes of considering and processing the application in the SCC on the provision of sales office and show flats and for other purposes related to such submission.*
2. *The provision of the personal data in this Form is obligatory. The application in the SCC on the provision of sales office and show flats will not be processed if you fail to provide all the information as requested.*
3. *The information provided in this Form including all attachments/ enclosures and any documents submitted in support of or in relation to this application in Form 1 may be disclosed to other Government Bureaux / Departments for the purposes mentioned in paragraph 1 above.*
4. *You have the right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided in this Form on payment of the applicable charge.*
5. *Enquiries on the personal data collected, including the request for access to and correction of the data, should be addressed to the Departmental Personal Data Controlling Officer of Lands Department, 20/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.*