



Lands Administration Office
Lands Department

Practice Note

Issue No. 6/2003

Compliance of Landscape Clause under Lease

The purpose of this Practice Note is to prescribe the detailed arrangement in connection with streamlining of approval and compliance of landscape requirement under lease conditions in relation to paragraphs 5 to 8 of the Joint Practice Note No. 3 (JPN).

Scope of this Practice Note

2. This Practice Note covers arrangement to fulfill the landscape clause under lease conditions within private lot boundaries. It does not cover landscape areas required to be handed back to Government or formed outside the lot boundaries. Tree preservation/transplanting/felling proposal with compensatory planting plan should be under separate approval.

Landscape Clauses to be imposed in Lease Conditions

3. The landscape conditions to be imposed in lease conditions will be of the following two types: -

(i) Landscape Master Plan (LMP) Clause

A LMP clause will be applicable to sites at visually sensitive locations or areas of special landscape character where appropriate landscape treatment is required to ameliorate visual impact and conserve natural features or for large sites at visually non-sensitive locations where new landscape features will be created. Upon implementation of approved LMP, compliance checking or random checking of on site landscape works may be required under this LMP clause.

(ii) Simple Landscape Clause

A simple landscape clause, which will not require submission of landscape plans, will generally be applicable to small sites where the landscape treatment has no impact on adjacent environment. No landscape proposal or compliance checking of landscape works will be required under this clause.

Landscape proposal to fulfill the LMP clause under lease conditions only

4. The Registered Landscape Architect (RLA) registered under the Landscape Architects Registration Ordinance or any competent person should submit the LMP with details as specified in Appendix A of the JPN or any subsequent amendments thereof to DLOs/Specialist Sections of Lands Department (hereinafter collectively referred as DLOs), for approval.

5. The LMP will be processed within eight weeks and approved by DLOs in consultation with Architectural Services Department (ArchSD).

Landscape proposal to fulfill both the LMP clause under lease conditions and planning conditions

6. For sites requiring landscape proposal to fulfill both the LMP clause under lease conditions and the landscape requirement under planning conditions, the RLA or competent person should submit the LMP to Planning Department (PlanD) for approval. No separate submission to DLOs is required.

7. Upon obtaining approval from PlanD, the RLA or competent person should submit additional copies of the approved LMP to PlanD for distribution among relevant government departments.

8. The RLA or competent person should note that approval given by PlanD is limited to the LMP clause under lease conditions and the landscape requirement under planning conditions and the deemed approval under the lease in such cases should not be construed as an acknowledgment that anything indicated in the approved LMP is in all respects in compliance with

other lease conditions. The RLA or competent person should ensure that the approved LMP is in all respects consistent with the approved building plans but if it is not, the deemed approval will not in any way prejudice my ability to reject building plans which are consistent with the approved LMP but inconsistent with the lease conditions.

Self-Certificate of Compliance

9. When LMP is approved by DLOs as prescribed in paragraph 5 above or by PlanD as prescribed in paragraph 6 above, as the case may be, and there is no outstanding approval for tree felling or transplanting, RLA or competent person may commence landscape works on site.

10. In order to speed up the checking of compliance of landscape works, the lot owner may appoint RLA to certify that the landscape proposal has been implemented in accordance with the approved LMP and submit a Self-Certificate of Compliance (SCC) to DLOs. No separate submission of SCC to PlanD is required. If the as built landscape features deviate slightly from the approved LMP, the RLA should submit the SCC together with copies of approved LMP with the minor amendments duly coloured to DLOs for record and to facilitate compliance checking, if deemed necessary. A standard SCC format is attached at **Annex A**.

11. Sites with SCC submitted will be entered into a register by LandsD and randomly selected for compliance checking at a rate of ten percent initially. This ratio will be subject to revision from time to time. The RLA will be notified if the site is selected for random checking within 2 weeks from the date of submission of SCC. If a site is selected, Government may carry out a full compliance check and the RLA will be notified of the result.

12. If the RLA does not receive any response from LandsD within 2 weeks from the date of submission of SCC, the LMP clause under lease conditions and the landscape requirement under planning conditions, if appropriate, will be deemed to have been complied with.

13. For sites without SCC submitted, a full compliance checking based on the approved LMP will be carried out.

Effect on Existing Landscape Clause

14. For sites subject to existing landscape requirement which may be under different forms of landscape clauses, the RLA or competent persons may by written confirmation, elect to follow the whole process of this Practice Note including the details of submission as stipulated in Appendix A of JPN. In the event the landscape plans already received approval from DLOs or PlanD, if appropriate, the RLA may adopt the SCC procedure as prescribed above.

15. Practice Note No. 6/2000 is hereby superseded.

16. This Practice Note will be in force with immediate effect.

(Patrick L C LAU)
Director of Lands
12 November 2003

Standard SCC Format

To: The DLOs/Specialist Sections, Lands Department

Self-certificate of Compliance of Landscape Works

Lot No.:

Address:

Section 16 Application Number, if appropriate

I/We, _____, hereby confirm that the lot owner of above lot has appointed or authorized me/us to act on his/their behalf to submit a self-certificate of compliance of landscape work.

I _____, hereby confirm that I am a registered landscape architect (Registration No. _____) registered under the Landscape Architects Registration Ordinance.

I confirm that the landscape plan (drawing nos.) approved by the *[Planning Department or Town Planning Board on dd/mm/yy] *[Lands Department on dd/mm/yy] has been implemented satisfactorily *without variation from the approved plans.

*Please note that there are variations between the landscape proposals approved by *[Planning Department or Town Planning Board on dd/mm/yy] *[Lands Department on dd/mm/yy] and the completed landscape works on site. Copies of the aforementioned plans duly coloured to indicate the variations are attached.

Signature
Name of RLA
Date

* Delete as appropriate