



**Lands Administration Office
Lands Department**

Practice Note

Issue No. 3/2014

**Design, Disposition and Height (DDH) Clause
under Lease Conditions**

To assist Authorized Persons, Surveyors and Registered Structural Engineers in preparing building plan submissions, it is considered worth identifying the aspects that will generally be considered when exercising the discretion by the Director of Lands (the Director) under the DDH clause. These are set out below together with a note of the approach as a guide only, which will generally be adopted.

2. It is acknowledged that pure design is a subjective issue and it is not our general intention to impose constraints on the aesthetic aspects of a development. However, there are certain aspects of appearance for which it is not appropriate to allow complete freedom.

(a) Site Coverage

For the purpose of site coverage (SC) calculation, all components of a building including all projections and underground structures such as water tanks, and plant rooms located outside the building footprint should be accountable for SC unless exempted by the lease. However, architectural features projected from the face of a building having no significant impact on building bulk will normally be exempted from SC calculation, if the same is exempted by the Building Authority (BA).

Environmentally friendly features such as balconies, utility platforms, non-structural prefabricated external walls, etc. as provided under Joint Practice Notes Nos. 1 and 2 are SC accountable unless they are exempted by the BA and there are exemption provisions in the lease as mentioned in the said Joint Practice Notes.

Curtain wall systems are also SC accountable unless they are exempted by the BA and the lease contains the “Definition of gross floor area and SC (with curtain wall system forming external face of building)” clause which is commonly found in modern leases. For leases which do not contain the exemption provision for curtain wall systems and provided that SC exemption has been granted by the BA, a modification of lease conditions is required before curtain wall systems can be exempted from SC calculation.

(b) Building Height

Height is measured from the lowest formation level on which any part of the building stands (including basement floors and stilt structures) up to the top of the highest roof slab of the main roof. In some leases, the building height restriction makes reference to a certain specified height above the mean formation level of the land on which the building stands. In such cases, the mean formation level will take the average of the sum of the highest and lowest formation levels of the land on which any part of the building stands (i.e. both levels taken from the same lowest floor of the building).

Subject to the permission being given in respect of the roof-top structures/projections under the lease conditions, and provided that the height restriction under the lease is not expressed in terms of absolute height limit, roof-top structures/projections will normally be permitted above the specific height limit under the lease. For residential developments, as a general guide, roof-top structures/projections (excluding masts, cat ladders and architectural features but including railings/parapet walls, stairhoods, water tanks, lift machine rooms, plant rooms, gondola enclosures, curbs and trellises) with an aggregate height not exceeding 3m (5.2m with lift provision) or 10% of the overall building height (up to a maximum of 13m), whichever is the greater, would normally be acceptable provided that the design/layout of such structures/projections would not lead to abuse of the roof area and the size of such structures/projections is not excessive. Where the roof-top structures consist of stand-alone private or communal stairhood, the height of such stairhood should not exceed 3m irrespective of whether there is lift provision or not. The pure aesthetic aspects of the height of a building would not normally attract disapproval under the DDH clause.

(c) Stilting

Stilting is not encouraged as far as possible even though there may be no anti-stilting clause under the lease conditions. If it is justified that there is no alternative form of construction available, stilt structures may be considered provided that the height of the stilts is reduced as much as possible. As a general guide, the maximum height of stilts should be 8m. Adequate surface treatment to the external elevation must be provided by means of architectural and landscape screening as illustrated, for example, in the sketch with explanations attached at Appendix A. Both justifications and the proposed surface treatment should accompany the building plan submission for consideration. It must not be construed that a height up to 8m will automatically be permitted. Each case will be considered on its own merits.

(d) Soil filling under houses and gardens

Generally, soil filling proposed under houses or gardens or flatted developments to be developed on flat land is not acceptable. As a general guide, soil filling for leveling sloping or undulating sites would normally be acceptable if the depth does not exceed 2m. For deeper soil filling, the case will be assessed on its own merits according to design need and justifications.

(e) Transfer Plate

Generally, the thickness of a transfer plate (excluding the services zone or E & M zone above/below the transfer plate) supporting residential floors would normally be acceptable if it falls within the following range in accordance with 9 “storey zones” :

(1)	3 to 6 storeys	:	1.0m
(2)	7 to 10 storeys	:	1.5m
(3)	11 to 20 storeys	:	1.8m
(4)	21 to 25 storeys	:	2.2m
(5)	26 to 30 storeys	:	2.6m
(6)	31 to 35 storeys	:	3.0m
(7)	36 to 40 storeys	:	3.5m
(8)	41 to 45 storeys	:	4.0m
(9)	46 to 50 storeys	:	4.5m

Transfer plates thicker than 4.5m and those for non-residential developments, and those for residential buildings lower than 3 storeys and higher than 50 storeys will be assessed on individual case merits according to design need and justifications.

(f) Height of walls

The BA’s ruling on the height of boundary wall, party wall between private gardens, parapet wall on flat roof, dividing wall between private flat roofs, parapet wall on main roof and dividing wall between private roofs would usually be followed in considering these proposals.

(g) Carparking Provision

Provision for extra parking spaces, loading/unloading area and undesignated areas in carparking floors are covered in LAO Practice Note Issue No. 4/2014.

Generally, parking spaces with excessive headroom will not be acceptable to avoid the possibility of obtaining additional carparking spaces in excess of that specified under the lease by adopting stacked parking.

(h) Colour Schemes, Texture and External Finishing

No requirement for the vetting of colour, texture and external finishes would be imposed in new lease conditions unless in environmentally/visually sensitive locations. For existing lease conditions which contain such clause, enforcement of this requirement will normally be waived. Each case will be considered on its own merits.

(i) Shape/Appearance of Buildings

The shape or appearance of buildings including their roofs will not be a matter on which the department would normally seek to impose restrictions under DDH. However the proposal might still be rejected under other conditions of the lease such as the GFA covenant.

(j) Projections over Public Streets

Provision of canopies and architectural features to project over public streets (including pavement) is generally acceptable provided there are no objections on planning, aesthetic, environmental and road safety grounds. The BA's ruling would usually be followed.

Provision of pipes (including water-pipes and drain-pipes) and gutters to project over public streets (including pavement) is generally acceptable provided the projection is not more than 300mm, at a height of not less than 2.5m above the level of the ground, complying with Building (Planning) Regulation 7(2) and there is no objection from Transport Department and Highways Department. The BA's ruling would usually be followed.

Modern leases governing residential developments may contain "Noise Impact Assessment" (NIA) and "Noise Barrier" clauses under which the provision of a noise barrier to project over public streets (including pavement) may be allowed. The design of the noise barrier is generally considered acceptable if it is agreed by Environmental Protection Department, Planning Department, Highways Department, Transport Department and BD and the projection matches with that approved under the NIA.

For conversion of an entire existing industrial building, guidelines on the projection of claddings or curtain walls beyond the lot boundary upon Government land are provided in LAO PN Issue No. 1/2010B. For partial conversion or refurbishment of industrial buildings or other types of buildings, provision of claddings or curtain walls projecting over public streets (including pavement) would normally be allowed if the BA approves the same and there is no objection from all concerned parties including Transport Department and Highways Department. The application for such projection beyond the lot boundary may be effected by way of lease modification or other suitable form of documentation, and, if approved, is subject to payment of any fee and premium as appropriate.

3. The above design parameters should not be considered as exhaustive. The Director reserves her absolute discretion to consider aspects other than the above-mentioned. Owing to the variance of development parameters between individual leases and properties, each case will be considered on its merit.

4. It must be noted that nothing in this practice note shall in any way fetter or affect the rights of the Government, the Director of Lands and their officers under the relevant government lease or land grant 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 practice note including any words and expressions used shall in any way affect or bind the Government regarding interpretation of the terms and conditions of the relevant government lease or land grant. All rights to modify the whole or any part of this practice note are hereby reserved.

5. LAO Practice Note for Authorized Persons, Surveyors and Registered Structural Engineers Issue No. APSRSE 1/99 is hereby superseded.

(Ms. Bernadette Linn)
Director of Lands
8 August 2014