

**Certification of Food Business Premises Free of  
Unauthorized Building Works in respect of  
New Territories Exempted Houses  
Guideline for Authorized Persons and Registered Structural Engineers**

**Introduction**

This guideline is provided for authorized persons (APs) and registered structural engineers (RSEs) who are commissioned to certify that food business premises are free of unauthorized building works (UBW) in respect of New Territories Exempted Houses (NTEHs) required by the Licensing Authority. In this certification exercise, the APs/RSEs should first check with the requirements stipulated in the Buildings Department Guidelines before certifying that the food premises under application is free of UBW.

**Definition of New Territories Exempted Houses**

2. NTEHs which are covered by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121) are houses not exceeding 65.03m<sup>2</sup> (700 ft.<sup>2</sup>) in area, 3 storeys and 8.23m (27 ft.) in height. Small Houses are NTEHs built in accordance with the Small House Policy under which male indigenous villagers in the New Territories are allowed to build a house on Government land upon payment of a concessionary premium or on his private agricultural land. As all Small Houses must be built in compliance with the provisions of Cap 121, they are all NTEHs.

3. On the other hand, NTEHs are not necessarily Small Houses. There are many house lots in the New Territories which are not granted under the Small House Policy. Examples include ‘old schedule’ house lots and ‘new grant’ house lots. Owners of these ‘old schedule’ and ‘new grant’ house lots may apply to the respective District Lands Officers to build houses in compliance with the provisions of Cap 121.

4. In short, for the purpose of this guideline, NTEHs refer to houses built in compliance with Cap 121 under the Small House Policy, on ‘old schedule’ house lots or ‘new grant’ house lots, as long as the houses are not bigger than 65.03m<sup>2</sup>, not higher than 8.23m and not exceeding 3 storeys.

## **Unauthorized Building Works**

5. To verify whether there are UBW in an NTEH, the APs/RSEs are advised to examine the lease in respect of the NTEH, the certificates of exemption in respect of site formation, building works and drainage works (if the NTEH is erected after October 1987) and the certificate of compliance. In case if the NTEH is an 'old schedule' house lot or a 'new grant' house lot where approval for redevelopment has been given by the respective New Territories District Lands Officer, the APs/RSEs are advised to also examine the letter of approval for redevelopment and the letter of 'No objection to occupy'. Except the lease conditions which can be found in the Land Registry, certified true copy of the abovementioned documents (if available) can be obtained from the respective New Territories District Lands Offices upon payment of the relevant fees and charges. Application forms (LAOVIC\_001) may be obtained from the Village Improvement and Lease Enforcement/Land Control Section of Lands Department at 22/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong or download from Lands Department's Homepage.

6. This guideline is drawn up for APs/RSEs for the purpose of new issue and transfer of food business licences only. It does not prejudice Lands Department's or Buildings Department's rights to take enforcement actions if they detect UBW in the licensed food business premises or if there are other breaches of the leases or land grants. Lands Department reserves its rights to determine if any building works in licensed food business premises are UBW and if there are/have been other breaches of the leases or land grants and to take such enforcement or other actions as it considers appropriate.

7. Nothing contained in this guideline shall be treated or considered as giving rise to any representation or expectation that NTEHs shall be permitted to be used as food business premises or for purposes other than those permitted under the relevant leases or land grants.

## **Enquiries**

8. Enquiries may be made at Village Improvement and Lease Enforcement/Land Control Section of Lands Department at 22/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel. No. 2231 3575).

**Lands Department**  
**April 2006**

**APPLICATION FORM FOR COPYING OF DOCUMENTS**

(USE ONE FORM FOR EACH PREMISES)

**I. PARTICULARS OF THE PREMISES – to be completed by the applicant in BLOCK letters**

(a) D.D./Lot No. : \_\_\_\_\_

(b) Address : \_\_\_\_\_

(c) District : \_\_\_\_\_

**II. DETAILS OF SERVICES REQUESTED – to be completed by the applicant**

No.	Services Requested	*Please ‘√’
1.	Certified true copy of C of E in respect of building works	
2.	Certified true copy of C of E in respect of site formation works	
3.	Certified true copy of C of E in respect of drainage works	
4.	Certified true copy of Certificate of Compliance	
5.	Certified true copy of Approval Letter of Redevelopment of Old Schedule/New Grant House Lot	
6.	Certified true copy of letter of ‘No objection to occupy’	

**III. DECLARATION OF THE APPLICANT (AP/RSE)**

I/We hereby declare that the information in the above documents will be used for ensuring compliance with the provisions of the Buildings Ordinance or any other enactment

i.e.  \* licensing application \_\_\_\_\_ (state the type of license).

\* others \_\_\_\_\_ (state the purpose).

AND I/We hereby undertake that I/we will not use the information so obtained for any other purposes and pay the prescribed fee(s).

Name : \_\_\_\_\_ Tel No. : \_\_\_\_\_ Fax No. : \_\_\_\_\_

Address : \_\_\_\_\_

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

- Notes :
1. The personal data provided in this application form will be used by the District Lands Office for the processing of this application. The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the District Lands Office may not be able to process your application.
  2. The completed application form should be submitted in person to the relevant District Lands Offices whose addresses are listed overleaf.

<b>District Lands Office</b>	<b>Address</b>	<b>Telephone</b>	<b>Fax</b>
District Lands Office/Islands	19th floor, Harbour Building, 38 Pier Road, Central, Hong Kong	2852 4265	2850 5104
District Lands Office/North	6th floor, North District Government Offices, 3 Pik Fung Road, Fanling, New Territories	2675 1809	2675 9224 2676 6432
District Lands Office/Shan Tin	11th floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories	2158 4700	2602 4093
District Lands Office/Sai Kung	3rd and 4th floors, Sai Kung Government Offices, 34 Chan Man Street, Sai Kung, New Territories	2791 7019	2792 0706
District Lands Office/Tai Po	1st floor, Tai Po Government Offices, Ting Kok Road, Tai Po, New Territories	2654 1263	2650 9896
District Lands Office/Tsuen Wan and Kwai Tsing	10th and 11th floors, Tsuen Wan Station Multi-storey Carpark Building, 174-208 Castle Peak Road, Tsuen Wan, New Territories	2402 1164	2415 0703 2412 0505
District Lands Office/Tuen Mun	6th and 7th floors, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun, New Territories	2451 1176	2459 0795
District Lands Office/Yuen Long	9th to 11th floors, Yuen Long Government Offices, 2 Kiu Lok Square, Yuen Long, New Territories	2443 3573	2473 3134 2479 9736 2478 8554