Disclaimer: *Pursuant to paragraph 23 of the Tender Notice, the Government will only answer questions of a general nature concerning Hung Shui Kiu Town Lot No. 18, Hung Shui Kiu Town Lot No. 19 ("HSKTL 19"), Hung Shui Kiu Town Lot No. 20, Hung Shui Kiu Town Lot No. 21, Hung Shui Kiu Town Lot No. 23 ("HSKTL 23") and Hung Shui Kiu Town Lot No. 24 ("HSKTL 24") (collectively "the Lots") and the tender exercise and will not provide legal or other advice in respect of the Conditions of Sale or any other documents referred to in the Tender Notice (including its annexes) or any statutory provisions relating to the Lots. Prior to submitting any tender for the Lots, prospective purchasers of the Lots may seek independent professional advice on issues concerning the Lots.*

Q1:

Please advise the precedent cases that the authorities have accepted proposals with high headroom designs without additional gross floor area (GFA) in the calculation. What are the arguments or considerations in those cases? Separately, if modern logistics development is proposed for Hung Shui Kiu pilot area, will facilities such as ramps be eligible for GFA exemption?

A1:

The Buildings Department[1] (BD) has all along been exercising its discretion in accepting proposals with high headroom designs in different types of buildings including modern logistics centres **without counting each area of high headroom as more than one level in the calculation of GFA**. The major considerations in those cases are the project's uniqueness, the intended use of the proposed building and its operational needs, and measures or proofs for ensuring the void will not be abused. Examples are -

(1) Premium Modern Logistics Centre, Kwo Lo Wan, Hong Kong International Airport - In this 12-storey modern logistics centre, all areas accommodating automatic storage retrieval system (ASRS) and unit lead device (ULD) with high headroom designs from 8.8 m to 11.3 m are approved without additional GFA in the calculation. Provisions in tenancy agreement and property management

[1] BD, Lands Department and Planning Department have jointly published Joint Practice Note No. 4, which is available on the Lands Department's website (www.landsd.gov.hk/en/resources/practice-notes/jpn.html), regarding development control. The said Joint Practice Note states that BD will become the sole agent responsible for verifying the gross floor area ("GFA") computation for building facilities, features and structures of developments for the purposes of processing building plans under the planning, building and land administration regimes.

help ensure the areas with high headroom will not be abused.

(2) Two developments for modern logistic use in Ha Che Village, Yuen Long and Tai Po Industrial Estate, Tai Po - BD had accepted high headroom design in these developments, namely 18.0 m in Ha Che case and 26.6 m to 32.1 m in Tai Po case, to accommodate ASRS without additional GFA in the calculation. ASRS with in-rack sprinkler system was installed before the application of occupation permit in both cases, ensuring that the areas with high headroom will not be abused.

In this industry-oriented tender, the purchasers of the Enterprises and Technology Park (E&TP) sites winning the tender will be required to enter into service deed(s) with the Government, ensuring the implementation of non-premium proposals such as developing and operating the proposed specific industry(ies). The risk of abuse is low. **BD is prepared to accept proposals with high headroom designs in this tender without counting each area of high headroom as more than one level in the calculation of GFA**.

BD has published PNAP APP-2 in relating to calculation of GFA and Non-accountable GFA under Regulation 23(3)(a) and (b) of Building (Planning) Regulations (https://www.bd.gov.hk/en/resources/codes-and-references/practice-notes-and-circular-letters/index_pnap.html). According to paragraphs 9 to 11 in Appendix C to PNAP APP-2, **ramps ancillary to car park or loading/unloading areas may have a certain percentage disregarded from GFA calculation, but if these ramps are provided in association with loading/unloading areas which have direct access to the accommodation on the floors, e.g. warehouse/godown in logistics centre developments, the area of the ramps should be fully included in the GFA calculation**.

Notwithstanding the above, please refer to the respective Conditions of Sale governing the Lots, including but not limited to:

(a) General Condition No. 5 and Special Conditions Nos. (22) and (34) of the respective Conditions of Sale governing HSKTL 19 and HSKTL 24; and

(b) General Condition No. 5 and Special Conditions Nos. (24) and (36) of the Conditions of Sale governing HSKTL 23,

as well as other relevant parts of the tender documents for information. In this connection, prospective purchasers' attention is drawn to paragraph 24 of the Tender

Notice as recited below:

> “It is hereby specifically declared by the Government that any statement, whether oral or written, made and any action taken by any Government officer in response to any enquiry made by a prospective tenderer or in respect of any disclosure of the contents of these enquiries and the answers given shall be for guidance and reference purposes only. Any statement or disclosure shall not be deemed to form part of the Tender Notice and any such statement, disclosure or action shall not and shall not be deemed to amplify, alter, negate, waive or otherwise vary any of the terms or conditions as are set out in the Tender Notice or the Conditions of Sale. The Government will not accept any liability in respect of the adequacy, accuracy and completeness of or otherwise arising whether directly or indirectly out of or in relation to any statement, disclosure or action taken by the Government or its officers”.