



地政總署  
法律諮詢及田土轉易處  
LEGAL ADVISORY AND CONVEYANCING OFFICE  
LANDS DEPARTMENT  
(HEADQUARTERS)

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我們矢志努力不懈，提供盡善盡美的土地行政服務。  
We strive to achieve excellence in land administration.  
香港北角渣華道三三三號北角政府合署二十樓  
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3 July 2017

**Legal Advisory and Conveyancing Office (“LACO”)  
Circular Memorandum (“CM”) No. 77**

**Consent to Assign Units prior to Compliance with the Land Grant**

Under the standard “restriction on alienation before compliance” clause in the land grant, consent of the Director of Lands is required for a developer to enter into agreements for sale and purchase and assignments of units in the development prior to the issue of the certificate of compliance.

This Department takes the view that applications for consent to assign and certificate of compliance should not be processed in parallel by LACO and District Lands Office respectively. To avoid duplication of effort, it has been the Department’s practice that an application for consent to assign will not be entertained or will be rejected by LACO if the developer has applied, or is in a position to apply for a certificate of compliance, or where there is no good reason why a certificate of compliance cannot be applied for. Any fee already paid in respect of the application for consent to assign will not be refunded.

If the development is constructed in phases, applications for consent to assign may be considered by LACO for each of the phases (but not a part thereof) except the last phase when an application for a certificate of compliance should be made.

Subject to the principle set out in paragraph 2 above, even though a developer has not submitted any presale consent application before or it has applied for but has not yet obtained the presale consent, it may apply to LACO for consent to assign so long as the relevant occupation permit has been issued. In other words, presale consent is not a prerequisite to consent to assign under the standard “restriction on alienation before compliance” clause.

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Where an application for consent to assign is made at a time when a prior application for presale consent is still under processing, the presale consent application will not be processed further and any fee paid in respect of such application will not be refunded.

This CM is applicable to applications for consent to assign in respect of all types of developments, whether residential, non-residential or mixed developments.

Copy of this CM may be downloaded from the Lands Department website at [www.landsd.gov.hk](http://www.landsd.gov.hk).

(Mrs Maria LAM)  
Deputy Director/Legal  
for Director of Lands

To: All Solicitors

c.c. Transport and Housing Bureau  
Estate Agents Authority  
The Real Estate Developers Association of Hong Kong  
Consumer Council  
The Hong Kong Institute of Surveyors  
The Hong Kong Institute of Architects  
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