



**Lands Administration Office
Lands Department**

Practice Note

Issue No. 1/2020

Compliance of Landscape Clause under Lease¹

This Practice Note (PN) sets out the streamlined arrangements in connection with the approval of landscape submission² and compliance checking of landscape requirements under lease in relation to Joint Practice Note No. 3 (JPN 3) issued in April 2019 by Buildings Department (BD), Lands Department (LandsD) and Planning Department (PlanD) jointly.

Scope

2. This PN covers arrangements to fulfill the landscape clause under existing³ or new⁴ lease within private lot boundary. This PN does not apply to landscape submission for areas to be handed back to the Government or areas to be formed outside lot boundary including government land designated by colour on the lease plan (Coloured Areas).

3. Generally, LandsD is responsible for compliance checking of landscape submission both at the submission and implementation stages for existing lease, unless other bureau/department (B/D) is designated under the relevant lease conditions as the party discharging the responsibility.

Landscape Clause to be imposed in New or Modified Lease

4. In new or modified lease, landscape clause either in the form of Landscape Master

¹ All references to “lease” in this PN shall include Conditions of Sale/Grant/Exchange, etc. as the case may be and “leases” shall be construed accordingly.

² Landscape submission means submission and implementation of a Landscape Master Plan or Landscape Proposal for a proposed development as required under planning regime and/or under lease.

³ Existing lease with landscape clause refers to case where “the Director of Lands” is stated as the approving authority in the landscape clause under lease.

⁴ New lease with landscape clause typically refers to case where “the Director of Planning” or other specified government bureau/department (B/D) is stated as the approving authority in the landscape clause under lease.

Plan (LMP) clause or Landscape Clause (LP) will only be imposed upon request of PlanD or other B/D with specific objectives and they will be named and specified under lease as the authority responsible for the compliance checking both at the submission and implementation stages in accordance with the procedures set out in JPN 3. In such case, no separate landscape submission to LandsD is required.

5. Where no specific landscape requirement is requested by PlanD or other B/D, a simple landscape clause will be imposed in new or modified lease. Such clause requires the lot owner to landscape and plant with trees and shrubs on any part of the lot not built upon and thereafter maintain the same satisfactorily. No landscape submission or compliance checking of landscape works will be required.

Landscape Submission made in connection with Planning Application

6. For cases where landscape submissions are made in connection with planning application, PlanD is responsible for compliance checking of the landscape submission both at the submission and implementation stages according to the streamlined procedures promulgated under paragraphs 3 and 4 of JPN 3. No separate landscape submission to LandsD for compliance of landscape clause under lease is required.

7. Submission Stage: Deemed Approval on LMP/LP under Landscape Clause

(a) Approval given by PlanD on the submission of the LMP/LP would be deemed to have fulfilled the requirements of landscape clause under lease provided that an application **Form 1** (Appendix to this PN) is submitted by either the lot owner including his representative (lot owner) or the Registered Landscape Architect (RLA) appointed by lot owner to District Lands Office (DLO) for deemed approval.

(b) Upon receipt of **Form 1** and the required information certified by the lot owner/ RLA, LandsD may issue a letter of acknowledgement upon receipt within 10 working days. This acknowledgement will signify a deemed approval of submission requirement of the landscape clause under lease. LandsD will only consider such application after PlanD has approved the LMP/LP.

8. Implementation Stage: Deemed Compliance on Completion of LMP/LP under Landscape Clause

- (a) Approval given by PlanD on the implemented LMP/LP would be deemed to have fulfilled the requirements of landscape clause under lease provided that an application Form 2 (Appendix to this PN) is submitted by either the lot owner or the RLA to DLO for deemed compliance.
- (b) Upon receipt of **Form 2** and the required information certified by the lot owner/ RLA, LandsD may issue a letter of acknowledgement upon receipt within 10 working days. This acknowledgement will signify a deemed compliance of requirements of the landscape clause under lease. LandsD will only consider such application after PlanD has confirmed the satisfactory implementation of the LMP/LP.

Landscape Submission NOT made in connection with Planning Application

9. For case where landscape submission is not made in connection with planning application but solely to fulfill the requirements under the landscape clauses under lease, LandsD will be responsible for compliance checking both at the submission and implementation stages, unless PlanD or other B/D⁵ has been named under the landscape clause of the lease as the authority to discharge the responsibility for the compliance checking as set out in paragraphs 5(a) and 5(b) of JPN 3.

10. Submission Stage

- (a) Where there is a LMP clause in the lease, the RLA shall be appointed to prepare and submit the LMP or any subsequent amendments for LandsD's approval. Where there is a LP clause in the lease, the appointment of a RLA for the preparation and submission of LP or any subsequent amendments is optional. The LMP/ LP will be processed by LandsD within 8 weeks from the date of receipt of a valid submission.
- (b) For any amendments to the approved LMP/ LP, the lot owner/ RLA is required to submit the updated LMP/ LP and highlight the amendments to LandsD for approval.

⁵ Where the submission of LMP or LP are imposed by PlanD or other B/Ds, the processing, approval and compliance checking upon works completion shall be dealt with by PlanD or the concerned B/D as stipulated in the relevant clause of the lease.

11. Completion Stage: Completed LMP within Lot

- (a) Upon completion of the landscape works within lot in accordance with the approved LMP, it is a mandatory requirement for the lot owner to appoint a RLA to prepare a Self-Certification of Compliance (SCC) submission to DLO. The RLA is required to report in Form 3 (Appendix to this PN) that the landscape works have been completed in accordance with the approved LMP and submit together with a set of photographic records in colour with date imprinted and a key plan based on the latest approved LMP showing where and in which direction the photos were taken, together with a SCC Form 4 (Appendix to this PN) and Owner's statement Form 5 (Appendix to this PN) to DLO for compliance with the landscape clause under lease.
- (b) If the completed landscape works deviate slightly from the approved LMP with minor amendments (i.e. preservation of more trees/ planting of more trees/ minor changes in planting locations/ minor changes in size and species for compensatory planting within lot) but without any diminishing effect, the minor amendment(s) shall be suitably highlighted in colour on the approved LMP in the SCC submission to DLO for record and to facilitate compliance checking.
- (c) Lots with the SCC submitted to DLO will be entered into a register and randomly selected for full compliance checking on site. The RLA will be notified by DLO if the lot is selected for full compliance checking within 14 working days from the date of receipt of the SCC. If the RLA does not receive any response from DLO within the said 14 working days, the SCC of the completed landscape works is considered to have complied with landscape clause under lease.
- (d) If the lot is selected for full compliance checking, DLO will further liaise with the RLA and concerned party within 14 working days for the date of on-site full compliance checking and the RLA will be notified of the result within 6 weeks after the on-site checking. If rectification is required after the checking, the RLA shall submit, upon completion of all rectification works, a fresh SCC to DLO for further checking.
- (e) If compliance checking has been conducted and no rectification is required, DLO will issue a letter to confirm the landscape clause under lease is complied with.

12. Completion stage: Completed LP within Lot

- (a) Submission of SCC for the completed landscape works within lot in accordance with the approved LP is optional. Upon completion of the LP, the lot owner shall submit **Form 3** (Appendix to this PN) with a set of photographic records in colour with date imprinted and a key plan based on the latest approved LP showing where and in which direction the photos were taken to DLO to demonstrate the completion of landscape works. On-site full compliance check will be arranged and conducted by DLO if no SCC is submitted.
- (b) If a RLA is appointed for the preparation of the SCC submission and certification on the completed landscape works in accordance with the approved LP, the processing procedures as set out in paragraph 11(a) to (e) above will be applicable.

13. Please refer to **Figure 1** and **Figure 2** (Appendices to this PN) for the Procedure Flow Chart for compliance of submission and completion stages in fulfilling the landscape clause under existing and new/ modified lease.

Site Coverage of Greenery (“SCG”)⁶

14. For approval and compliance checking in fulfilling the SCG requirement under lease, the procedures as stipulated in paragraphs 9 to 11 of JPN 3 shall be followed. The landscape submission should include the location, disposition and layout of those greenery areas and greening features, as referred to under Appendix D of PNAP APP-152 issued by BD.

Workshop Approach

15. The workshop approach introduced under LAO PN No. 4/2018 shall be applicable to the associated LMP/ LP. In the written request of workshop arrangement as referred to in paragraph 7 of LAO PN No. 4/2018, the Authorized Person (AP)⁷ and RLA shall set out clearly the purposes of the proposed workshop, which may include the presentation of the landscape design in LMP/ LP in relation to the building design/ layout, fundamental issues of concern relating to GBP and LMP/ LP together with the relevant documents (e.g. drawings)

⁶ SCG refers to the submission under the general building plans to BD in accordance with the sustainable building design guidelines stated in BD’s Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (“PNAP”) APP -152 as well as the submission under lease.

⁷ AP as defined under the Buildings Ordinance (Cap.123).

for discussion. Request for workshop will be considered by DLO or Building Plan Unit of LandsD (BPU) in accordance with LAO PN No. 4/2018. Where appropriate, representatives from Landscape Advisory Team of the BPU may be invited to join the workshop if there are issues of landscape works concerned.

Other Remarks

16. As TPRP is part and parcel of Landscape Submission, Lands Administration Office Practice Note (LAO PN) No. 2/2020 issued by LandsD sets out the procedures in handling approval and compliance of TPRP under tree preservation clause.

17. The lot owner and the RLA shall bear full responsibilities to ensure that the approved/ implemented LMP/ LP are in all respect in compliance with the lease and consistent with the approved building plans. The deemed approval/ deemed compliance under lease in such cases should not be construed as an acknowledgement that anything indicated in the approved or implemented LMP/ LP is in all respects in compliance with the other lease conditions. The deemed approval/ deemed compliance of the landscape clause under lease based on the certification by the lot owner and the RLA shall not in any way prejudice LandsD's rights to reject or withdraw the deemed approval / deemed compliance of the landscape clause under lease for any reasons.

18. It must be noted that nothing in this PN shall in any way fetter or affect or prejudice the rights of the Government, the Director of Lands and their officers under the relevant lease or the Government's rights as lessor/ landlord, and all such rights are hereby reserved, and that nothing in this PN including any words and expressions used shall in any way be construed as any waiver of any provisions under lease or affect or bind the Government in relation to interpretation or enforcement of the terms and conditions of the relevant lease or otherwise.

19. LAO PN No. 6/2003 is hereby superseded.



(Thomas Chan)
Director of Lands
13 January 2020

Appendices

- I(a)** **Form 1** - Application for Deemed Approval of Landscape Master Plan / Landscape Proposal for Compliance of Landscape Clause under Lease
- I(b)** **Form 2** - Application for Deemed Compliance on Completion of Landscape Master Plan / Landscape Proposal for Compliance of Landscape Clause under Lease
- I(c)** **Form 3** - Report on Completion of Landscape Works for Compliance of Landscape Clause under Lease
- I(d)** **Form 4** - Self-Certification of Compliance for Completed Landscape Works within lot under Landscape Clause
- I(e)** **Form 5** - Owner's Statement regarding Self-Certification of Compliance for Landscape Works
- II(a)** **Figure 1** - Procedure Flow Chart of Landscape Submission for Compliance of Landscape Clause under Lease (Submission Stage)
- II(b)** **Figure 2** - Procedure Flow Chart for Completed Landscape Works for Compliance of Landscape Clause under Lease (Completion Stage)

Form 1 - Application for Deemed Approval of
***Landscape Master Plan (LMP)/ Landscape Proposal (LP) for**
Compliance of Landscape Clause under Lease ^{Notes (1) & (5)}

To: *District Lands Office/# _____ / # _____ Section of Lands Department

Section I

Lot Number (No.) # _____

Address # _____

*LMP/ LP approved by the Director of Planning on # _____ (dd/mm/yyyy) under planning application number # _____ for Drawing No(s). & Rev. # _____. (Copy attached in Section III)

Section II

☐ I, # _____, hereby confirm that I am the *Lot Owner(s)/ Representative of the Lot Owner(s) to act on *his/ their behalf for application of deemed approval to be given under Special Condition No(s). # _____ of the lease ^{Note (2)}.

☐ I, # _____, hereby confirm that I am a Registered Landscape Architect (RLA) (Registration No. # _____) registered under the Landscape Architects Registration Ordinance (Cap. 516). The owner(s) of above lot has appointed or authorized me to act on *his/ their behalf to submit an application for deemed approval to be given under Special Condition No(s). # _____ of the lease ^{Note (2)}.

Section III

I refer to paragraph 7 of Lands Administration Office (LAO) Practice Note No. 1/2020 (the PN) issued by Lands Department (LandsD) and hereby certify that:

☐ the submission of *LMP/ LP with *stamped approval/ approval given by the *Town Planning Board (TPB)/ Planning Department (PlanD) (Drawing No(s). & Rev. # _____) *is/ are hereby **attached**.

☒ A copy of the approval letter(s) dated # _____ (dd/mm/yyyy) from *TPB/ PlanD *is/ are hereby **attached**.

Section IV

The submitted *LMP/ LP is approved by the *TPB/ PlanD as indicated in Section I.

☐ the lot boundary under the lease is *the same as/ different from the boundary of the planning application site.

☐ without amendment to the *LMP/ LP previously approved by *TPB/ PlanD dated # _____ (dd/mm/yyyy) ^{Note (3)}

AND

☐ There is a site coverage of greenery (SCG) requirement specified in the lease, and the provision and calculation of greenery area are consistent with that shown on the building plan accepted by the Buildings Department (BD).

AND

☒ A copy of the approval letter issued by BD on the SCG requirement (Ref: # _____) dated # _____ (dd/mm/yyyy) is hereby **attached**.

Section V - Tree Preservation and Removal Proposal (TPRP)

Regarding the TPRP, the submission of *LMP/ LP approved by *TPB/ PlanD as indicated in Section I.

- ☐ does not involve any existing tree(s) including Old and Valuable Trees, trees of particular value, and any other trees as designated and preserved under lease.
- ☐ involves submission of TPRP requiring deemed approval under the tree preservation clause of the lease ^{Note (4)}.

Section VI

For the avoidance of doubt, I hereby acknowledge that the above-mentioned Application for deemed approval will be limited to the landscape works within the lot, under the landscape clause of the lease, and should not be construed as an acknowledgement that anything indicated in the Application for deemed approval is in all respects in compliance with other lease conditions and that any such deemed approval, if given, will not in any way prejudice or affect any rights of the Government under the lease including the right to take lease enforcement action in respect of any breach or failure to observe any of the lease conditions which may exist at the date when the deemed approval is given.

I hereby certify that the information in this Application is true and complete. I understand that if I provide any incorrect or incomplete information, a complaint may be lodged with the Landscape Architects Registration Board for investigation of the alleged misconduct or negligence pursuant to the Landscape Architects Registration Ordinance (Cap. 516).

I hereby acknowledge that the Director of Lands is not obliged to keep the content of this Application, its enclosures or any documents submitted in support of or in relation to this Application confidential, particularly in circumstances when the Director considers that disclosure is in the public interest and/or it would be reasonable for the Director to accede to requests from third parties with interest over the land for access to the same. This acknowledgement applies irrespective of whether the consent in the following paragraph is given or not.

Section VI (cont'd)

- ☐ Insofar as my consent is required under any statutory, regulatory or other provisions, I hereby consent and/or have procured consent from the relevant intellectual property rights owner that the Director of Lands may, after issue of the Certificate of Compliance, disclose the content of this Application, its enclosures or any documents submitted in support of or in relation to this Application to any third party including members of the public upon request of any such third party, media or otherwise, or on Lands Department's own accord.

Signature

*(signed by the *Lot Owner/
Representative of the Lot Owner/
Registered Landscape Architect (RLA)
with valid registration chop affixed, if any)*

Name of *Lot Owner/

Representative of the Lot Owner/

RLA

Registration No. (if any)

Date # _____ (dd/mm/yyyy)

Notes:

- (1) This Form shall be submitted for application of deemed approval on the submission of LMP/LP to comply with landscape clauses under leases for cases in connection with planning applications under paragraph 7 of the PN. If approval by PlanD on the submission of the LMP/LP is not obtained prior to the application for deemed approval, the application will not be processed by LandsD.
- (2) All references to “lease” in this Form shall include Conditions of Sale / Grant / Exchange, etc. as the case may be.
- (3) Approval procedures in accordance with paragraph 10 of PlanD’s PNPP No. 1/2019 shall be followed for Class B amendments to the approval LMP/LP.
- (4) RLA is required to submit an application for deemed approval on the submission of TPRP as part and parcel of the LMP/LP approved by PlanD for compliance with the tree preservation clause under lease in accordance with procedures set out in LAO PN No. 2/2020 issued by LandsD.
- (5) For cases where landscape requirements imposed as a lease condition upon request by other concerned B/D or for areas to be handed back to the Government or areas to be formed outside lot boundary or government land designated by colour (Coloured Areas) on the lease plan, the concerned B/D will be responsible for compliance checking both at the submission and implementation stages in accordance with the relevant clauses under lease, the JPN 3 and DEVB TC(W) No. 6/2015.

Fill in as appropriate

* Select as appropriate

☐ Tick as appropriate

Personal Information Collection Statement

PLEASE READ THE FOLLOWING
BEFORE COMPLETING THIS FORM

1. *The information relating to you provided in this Application, its attachments/ enclosures or any documents submitted will be used by Lands Department for the purposes of considering and processing your application for deemed approval on the submission of LMP/LP for compliance with the landscape clause under lease and for other purposes related to such application.*
2. *Your provision of all the information in this Application, its attachments/enclosures or any documents submitted is required for administering compliance with the lease conditions. Your application will not be processed if you fail to provide all the information as requested.*
3. *The information you provided in this Application, its attachments/enclosures or any documents submitted may be disclosed to other government bureaux / departments for the purposes mentioned in paragraph 1 above. The above personal data may also be disclosed to any third party (whether individual, corporate body, members of the public or other organization) whether in response to enquiry from members of the public, media or otherwise, or on Lands Department's own accord.*
4. *You have the right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided in this Application on payment of the applicable charge.*
5. *Enquiries on the personal data collected, including the request for access to and correction of the data, should be addressed to the Departmental Personal Data Controlling Officer of Lands Department, 20/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.*

Form 2 - Application for Deemed Compliance on Completion of
***Landscape Master Plan (LMP)/ Landscape Proposal (LP) for**
Compliance of Landscape Clause under Lease ^{Notes (1) & (5)}

To: *District Lands Office # _____ / # _____ Section of Lands Department

Section I	
Lot Number (No.)	# _____
Address	# _____
Approved Plan(s)	*LMP/ LP approved by the Director of Planning on # _____ (dd/mm/yyyy) under the application (if applicable) below: Planning application no. # _____ Drawing No(s). & Rev. # _____ (Copy of the drawings attached in Section III)

Section II	
☐	I, # _____, hereby confirm that I am the *Lot Owner(s)/ Representative of Lot Owner(s) to act on *his/ their behalf for application of deemed compliance to be given under Special Condition No(s). # _____ of the lease ^{Note (2)} .
☐	I, # _____, hereby confirm that I am a Registered Landscape Architect (RLA) (Registration No. # _____) registered under the Landscape Architects Registration Ordinance (Cap. 516). The owner(s) of the above lot has appointed or authorized me to act on *his/ their behalf for application of deemed compliance to be given under Special Condition No(s). # _____ of the lease ^{Note (2)} .

Section III

I refer to paragraph 8 of Lands Administration Office (LAO) Practice Note No. 1/2020 (the PN) issued by Lands Department (LandsD) and hereby certify that the completed landscape works are approved by *Town Planning Board (TPB)/ Planning Department (PlanD) as indicated in Section I.

☐ the lot boundary under the lease is *the same as/ different from the boundary of the planning application site.

☐ without amendment to the *LMP/ LP previously approved by *TPB/ PlanD dated #_____ (dd/mm/yyyy) and previously deemed approval given by LandsD dated #_____ (dd/mm/yyyy)^{Note (3)}

☒ A copy of the approval letter(s) dated #_____ (dd/mm/yyyy) from *TPB/ PlanD/ LandsD is hereby **attached**.

AND

☐ There is a site coverage of greenery (SCG) requirement specified in the lease, and the provision and calculation of greenery area are consistent with that shown on the building plan accepted by the Buildings Department (BD).

AND

☒ A copy of the approval letter issued by BD on the SCG requirement (Ref: #_____) dated #_____ (dd/mm/yyyy) is hereby **attached**.

Section IV - Tree Preservation and Removal Proposal (TPRP)

Regarding the TPRP, the completion of landscape works approved by *TPB/ PlanD as indicated in Section I.

☐ does not involve any existing tree(s) including Old and Valuable Trees, trees of particular value, and any other trees as designated and preserved under lease.

☐ involves completed TPRP for deemed compliance with the tree preservation clause of the lease^{Note (4)}.

Section V

For the avoidance of doubt, I hereby acknowledge that the above-mentioned Application for deemed compliance will be limited to the landscape works within the lot, under the landscape clause of the lease, and should not be construed as an acknowledgement that anything indicated in the Application for deemed compliance is in all respects in compliance with other lease conditions and that any such deemed compliance, if given, will not in any way prejudice or affect any rights of the Government under the lease including the right to take lease enforcement action in respect of any breach or failure to observe any of the lease conditions which may exist at the date when the deemed compliance is given.

I hereby certify that the information in this Application is true and complete. I understand that if I provide any incorrect or incomplete information, a complaint may be lodged with the Landscape Architects Registration Board for investigation of the alleged misconduct or negligence pursuant to the Landscape Architects Registration Ordinance (Cap. 516).

I hereby acknowledge that the Director of Lands is not obliged to keep the content of this Application, its enclosures or any documents submitted in support of or in relation to this Application confidential, particularly in circumstances when the Director considers that disclosure is in the public interest and/or it would be reasonable for the Director to accede to requests from third parties with interest over the land for access to the same. This acknowledgement applies irrespective of whether the consent in the following paragraph is given or not.

- ☐ Insofar as my consent is required under any statutory, regulatory or other provisions, I hereby consent and/or have procured consent from the relevant intellectual property rights owner that the Director of Lands may, after issue of the Certificate of Compliance, disclose the content of this Application, its enclosures or any documents submitted in support of or in relation to this Application to any third party including members of the public upon request of any such third party, media or otherwise, or on Lands Department's own accord.

Section V (cont'd)

Signature # _____

*(signed by the *Lot Owner/
Representative of the Lot Owner/
Registered Landscape Architect (RLA)
with valid registration chop affixed, if any)*

Name of *Lot Owner/
Representative of the Lot Owner/ # _____
RLA

Registration No. (if any) # _____

Date # _____ (dd/mm/yyyy)

Notes:

- (1) This Form shall be submitted for application of deemed compliance on the completed LMP/LP to comply with landscape clauses under leases for cases in connection with planning applications under paragraph 8 of the PN respectively. If approval given by PlanD on the satisfactory implementation of the LMP/LP is not obtained prior to the application for deemed compliance, the application will not be processed by LandsD.
- (2) All references to “lease” in this Form shall include Conditions of Sale / Grant / Exchange, etc. as the case may be.
- (3) Approval procedures in accordance with paragraph 10 of PlanD’s PNPP No. 1/2019 shall be followed for Class B amendments to the approval LMP/LP.
- (4) RLA is required to submit an application for deemed compliance on the completed TPRP as part and parcel of the implemented LMP/LP approved by PlanD for compliance with the tree preservation clause under lease in accordance with procedures set out in LAO PN No. 2/2020 issued by LandsD.
- (5) For cases where landscape requirements imposed as a lease condition upon request by other concerned B/D or for areas to be handed back to the Government or areas to be formed outside lot boundary or government land designated by colour (Coloured Areas) on the lease plan, the concerned B/D will be responsible compliance checking both at the submission and implementation stages in accordance with the relevant clauses under lease, JPN 3 and DEVB TC(W) No. 6/2015

Fill in as appropriate

* Select as appropriate

☐ Tick as appropriate

Personal Information Collection Statement

PLEASE READ THE FOLLOWING
BEFORE COMPLETING THIS FORM

1. *The information relating to you provided in this Application, its attachments/ enclosures or any documents submitted will be used by Lands Department for the purposes of considering and processing your application for deemed compliance on the completed LMP/LP for compliance with the landscape clause under lease and for other purposes related to such application.*
2. *Your provision of all the information in this Application, its attachments/ enclosures or any documents submitted is required for administering compliance with the lease conditions. Your application will not be processed if you fail to provide all the information as requested.*
3. *The information you provided in this Application, its attachments/ enclosures or any documents submitted may be disclosed to other government bureaux/ departments for the purposes mentioned in paragraph 1 above. The above personal data may also be disclosed to any third party (whether individual, corporate body, members of the public or other organization) whether in response to enquiry from members of the public, media or otherwise, or on Lands Department's own accord.*
4. *You have the right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided in this Application on payment of the applicable charge.*
5. *Enquiries on the personal data collected, including the request for access to and correction of the data, should be addressed to the Departmental Personal Data Controlling Officer of Lands Department, 20/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.*

Form 3 - Report on Completion of Landscape Works
for Compliance of Landscape Clause under Lease ^{Notes (1), (2) & (3)}

To: ***District Lands Office/#** _____ / **#** _____ **Section of Lands Department**

Section I

Lot Number (No.) **#** _____
Address **#** _____
Date **#** _____ (dd/mm/yyyy)

Section II

Approved Plan(s)

Approval was given by Lands Department (LandsD) on **#** _____ (dd/mm/yyyy) ***without amendment/ with minor amendment(s)** to the approved ***Landscape Master Plan (LMP)/ Landscape Proposal (LP)** as highlighted with reference to the completed landscape works on site.

Attachment A: Drawing No(s). & Rev. **#** _____
(copy attached – approved ***LMP/ LP** without amendment OR with minor amendments as highlighted (if any))

Key Plan(s)

The Key Plan(s) shall make reference to the approved ***LMP/ LP** and include locations and angles of individual photos of the completed landscape works taken.

Attachment B: Drawing No(s). & Rev. **#** _____
(copy attached – based on approved ***LMP/ LP** without amendment OR with minor amendments as highlighted (if any))

Section III

Photos of the completed landscape works

Should be in colour, appropriate size, date imprinted and numbered covering all the completed landscape works with cross-reference to the relevant key plan(s).

Attachment C: Photo No(s) # _____

Section IV

I can be contacted at *telephone/ mobile no. # _____ for a joint full compliance checking, if required by LandsD.

I hereby declare that all the information in this Form as a report together with the plans and drawings attached are true and complete.

I hereby acknowledge that the Director of Lands is not obliged to keep the content of this Form, its attachments/enclosures or any documents submitted in support of or in relation to this Form confidential, particularly in circumstances when the Director considers that disclosure is in the public interest and/ or it would be reasonable for the Director to accede to requests from third parties with interest over the land for access to this Form. This acknowledgement applies irrespective of whether the consent in the following paragraph is given or not.

- ☐ Insofar as consent is required under any statutory, regulatory or other provisions, I hereby consent and/or have procured consent from the relevant intellectual property rights owner that the Director of Lands may, after issue of the Certificate of Compliance, disclose the content of this Form, its attachments/enclosures and any documents submitted in support of or in relation to this Form to any third party including members of the public upon request of any such third party, media or otherwise, or on LandsD's own accord.

Section IV (cont'd)

Signature
(signed by the *Lot Owner/
Representative of the Lot Owner/
Registered Landscape Architect (RLA)
with valid registration chop affixed, if any) # _____

Name of *Lot Owner/
Representative of the Lot Owner/ RLA # _____

Registration No. (if any) # _____

Date # _____ (dd/mm/yyyy)

Notes:

- (1) This Form shall be submitted in conjunction with Form 4 and Form 5 for submission of a Self-Certification of Compliance (SCC) on completion of landscape works required under leases pursuant to LAO PN No. 1/2020, save for situations mentioned in Note (2) below. The submission of SCC is mandatory for LMP and optional for LP clause.
- (2) Where landscape works is also imposed as a planning condition, it is not necessary to submit a SCC for landscape works to LandsD as Planning Department will be responsible for compliance checking.
- (3) Compliance checking upon completion of landscape works for areas to be handed back to the Government or areas to be formed outside lot boundary or government land designated by colour (Coloured Areas) on the lease plan, the concerned B/D will be responsible for compliance checking at the implementation stage in accordance with the relevant clauses under lease, JPN 3 and DEVB TC(W) No. 6/2015.

Fill in as appropriate

* Select as appropriate

☐ Tick this box if the Lot Owner/Representative of the Lot Owner/RLA agrees to give the consent as set out in this paragraph

Personal Information Collection Statement

PLEASE READ THE FOLLOWING BEFORE COMPLETING THIS FORM

- 1. The information relating to you provided in this Form including its attachments/enclosures and any documents submitted in support of or in relation to this Form will be used by Lands Department for the purpose of reporting the completion of landscape works for compliance with the landscape clause under lease and for other purposes related to the submission.*
- 2. Your provision of all the information in this Form including its attachments/enclosures and any documents submitted in support of or in relation to this submission is required for administering compliance with the lease conditions. Your submission will not be processed if you fail to provide all the information as requested.*
- 3. The information you provided in this Form including its attachments/enclosures and any documents submitted in support of or in relation to this submission may be disclosed to other government bureaux / departments for the purposes mentioned in paragraph 1 above. The above personal data may also be disclosed to any third party (whether individual, corporate body, members of the public or other organization) whether in response to enquiry from members of the public, media or otherwise, or on Lands Department's own accord.*
- 4. You have the right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided in this submission upon payment of the applicable charge.*
- 5. Enquiries on the personal data collected, including the request for access to and correction of the data, should be addressed to the Departmental Personal Data Controlling Officer at Lands Department, 20/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.*

Form 4 – Self-Certification of Compliance for Completed Landscape Works
within lot under Landscape Clause Notes (1), (2), (3) & (4)

To: *District Lands Office/#_____ / #_____ Section of Lands Department

Section I

Lot Number (No.) #_____

Address #_____

Section II

I, #_____, hereby confirm that I am a Registered Landscape Architect (RLA) (Registration No. #_____) registered under the Landscape Architects Registration Ordinance (Cap. 516), appointed or authorized by the owner(s) of the above lot, to act on his/their behalf to submit a Self-Certification of Compliance (SCC) of landscape works required under Special Condition No(s). #_____ of the lease ^{Note (3)}.

I certify that the completed Landscape Works as shown in Drawing No(s). & Rev. #_____ (copy attached) approved by Lands Department (LandsD) on #_____ (dd/mm/yyyy) under letter ref. #_____ have been implemented satisfactorily **without amendments/ with minor amendments*. A full report in **Form 3** on the completed landscape works is **attached** hereto.

The SCC for Landscape Works:

- ☐ does not involve any completed Tree Preservation and Removal Proposal (TPRP) including Old and Valuable Trees, trees of particular value, and any other trees as designated and preserved under lease.
- ☐ involves completed TPRP with approval given by LandsD on #_____ (dd/mm/yyyy) under letter ref. #_____.

Section III

I can be contacted at *telephone/ mobile no. #_____ for a joint full compliance checking, if required by LandsD.

I hereby certify that all the information in this SCC and in **Form 3** attached is true and complete. I understand that if I provide any incorrect or incomplete information, a complaint may be lodged with the Landscape Architects Registration Board for investigation of the alleged misconduct or negligence pursuant to the Landscape Architects Registration Ordinance (Cap. 516).

I hereby acknowledge that the Director of Lands is not obliged to keep the content of this SCC, its attachments/ enclosures or any documents submitted in support of or in relation to the SCC confidential, particularly in circumstances when the Director considers that disclosure is in the public interest and/ or it would be reasonable for the Director to accede to requests from third parties with interest over the land for access to this SCC. This acknowledgement applies irrespective of whether the consent in the following paragraph is given or not.

☐

Insofar as consent is required under any statutory, regulatory or other provisions, I hereby consent and/or have procured consent from the relevant intellectual property rights owner that the Director of Lands may, after issue of the Certificate of Compliance, disclose the content of this SCC, its attachments/ enclosures and any documents submitted in support of or in relation to this SCC to any third party including members of the public upon request of any such third party, media or otherwise, or on LandD's own accord.

The relevant statement (**Form 5**) signed by the lot owner regarding this SCC is hereto attached.

Section III (cont'd)

Signature # _____
(signed by the RLA with
valid registration chop affixed)

Name of RLA # _____

Registration No. # _____

Date # _____ (dd/mm/yyyy)

Notes:

- (1) This Form shall be submitted in conjunction with Form 3 and Form 5 for submission of a Self-Certification of Compliance (SCC) on completion of landscape works required under leases pursuant to LAO PN No. 1/2020, save for situations mentioned in Note (2) below. The submission of SCC is mandatory for LMP and optional for LP clause.
- (2) Where landscape works are also imposed as a planning condition, it is not necessary to submit a SCC for landscape works to LandsD as Planning Department will be responsible for compliance checking.
- (3) All references to “lease” in this Form shall include Conditions of Sale / Grant / Exchange, etc. as the case may be.
- (4) Compliance checking upon completion of landscape works for areas to be handed back to the Government or areas formed outside lot boundary or government land designated by colour (Coloured Areas) on the lease plan, the concerned B/D will be responsible for compliance checking at the implementation stage in accordance with the relevant clauses under lease, JPN 3 and DEVB TC(W) No. 6/2015.

Fill in as appropriate

* Delete as appropriate

☐ Tick this box if the RLA agrees to give the consent as set out in this paragraph

Personal Information Collection Statement

PLEASE READ THE FOLLOWING BEFORE COMPLETING THIS FORM

- 1. The information relating to you provided in this Form including its attachments/ enclosures and any documents submitted in support of or in relation to the certification under this Form will be used by Lands Department for the purposes of considering and processing your submission of self-certification of compliance of landscape works, checking or ensuring compliance in relation to the landscape works under the lease and for other purposes related to such submission.*
- 2. Your provision of all the information in this Form including its attachments/ enclosures and any documents submitted in support of or in relation to the certification under this Form is required in relation to checking or ensuring compliance with the lease conditions. Your submission of self-certification of compliance of landscape works will not be processed if you fail to provide all the information as requested.*
- 3. The information you provided in this Form including its attachments/ enclosures and any documents submitted in support of or in relation to the certification under this Form may be disclosed to other government bureaux / departments for the purposes mentioned in paragraph 1 above. The above personal data may also be disclosed to any third party (whether individual, corporate body, members of the public or other organizations) whether in response to enquiry from members of the public, media or otherwise, or on Lands Department's own accord.*
- 4. You have the right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided in this Form upon payment of the applicable charge.*
- 5. Enquiries on the personal data collected, including the request for access to and correction of the data, should be addressed to the Departmental Personal Data Controlling Officer at Lands Department, 20/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.*

Form 5 - Owner's Statement regarding
Self-Certification of Compliance for Landscape Works Notes (1), (2) & (4)

To: *District Lands Office/#_____ / #_____ Section of Lands Department

*I/ We, #_____ (*Name of the Lot Owner(s)*), have appointed or authorized the Registered Landscape Architect (RLA), #_____ (*Name*) (Registration Number (No.) #_____) to act on *my/ our behalf to submit a Self-Certification of Compliance (SCC) of the completed Landscape Works required under Special Condition No.(s) #____ of the lease ^{Note (3)} of #_____ (*lot number*). The Landscape works under the *Landscape Master Plan (LMP)/ Landscape Proposal (LP) are certified by *my/ our RLA to have been satisfactorily completed in accordance with the Drawing No(s). & Rev. #____ approved by the Director of Lands dated #_____ (*dd/mm/yyyy*) under letter ref. #_____. *My/ Our RLA will submit the **Form 4** dated #_____ (*dd/mm/yyyy*) together with the full report attached in **Form 3** to #_____ of Lands Department (LandsD) for processing an application for Certificate of Compliance.

*I/ We hereby acknowledge that the Director of Lands is not obliged to keep the content of this **Statement, Form 3** and **Form 4**, their attachments/enclosures or any documents submitted in support of or in relation to the report and SCC under Form 3 and Form 4 confidential, particularly in circumstances when the Director considers that disclosure is in the public interest and/ or it would be reasonable for the Director to accede to requests from third parties with interest over the land for access to this **Statement**. This acknowledgement applies irrespective of whether the consent in the following paragraph is given or not.

- ☐ Insofar as **my/ our* consent is required under any statutory, regulatory or other provisions, **I/ we* hereby consent and/or have procured consent from the relevant intellectual property rights owner that the Director of Lands may, after issue of the Certificate of Compliance, disclose the content of this **Statement, Form 3** and **Form 4** mentioned above, their attachments/ enclosures and any documents submitted in support of or in relation to the report and SCC under **Form 3** and **Form 4** to any third party including members of the public upon request of any such third party, media or otherwise, or on LandsD's own accord.

Date #_____ (dd/mm/yyyy)

Signed by the Lot Owner

#_____
Name: [#]

In the presence of

#_____
Witness name: [#]
Address: [#]
[#]

OR

Sealed with the Common Seal of the Lot Owner
and signed by:

#_____
Name: [#]

in the presence of

#_____
Witness name: [#]
Address: [#]
[#]

OR ^

Executed by the Lot Owner acting through

[#] , its sole director

or

[#] , its director and

[#] , its director

or

[#] , its director and

[#] , its company secretary

In accordance with sections 127(3) and 127(5) of Companies Ordinance (Cap. 622)
in the presence of

Witness name: [#]

Address: [#]

[#]

Notes:

- (1) This Form shall be used in conjunction with Forms 3 and 4 for submission of a SCC on completion of landscape works required under leases pursuant to LAO PN No. 1/2020, save for situations mentioned in Note (2) below. The submission of SCC is mandatory for LMP and optional for LP clause.
- (2) Where landscape works are also imposed as a planning condition, it is not necessary to submit a SCC for landscape works to LandsD as Planning Department will be responsible for compliance checking
- (3) All references to “lease” in this Form shall include Conditions of Sale / Grant / Exchange, etc. as the case may be.
- (4) Compliance checking upon completion of landscape works for areas to be handed back to the Government or areas formed outside lot boundary or government land designated by colour (Coloured Areas) on the lease plan, the concerned B/D will be responsible for compliance checking at the implementation stage in accordance with the relevant clauses under lease, JPN 3 and DEVB TC(W) No. 6/2015.

^ Applicable if the Lot Owner is a limited company incorporated in Hong Kong

Fill in as appropriate

* Select as appropriate

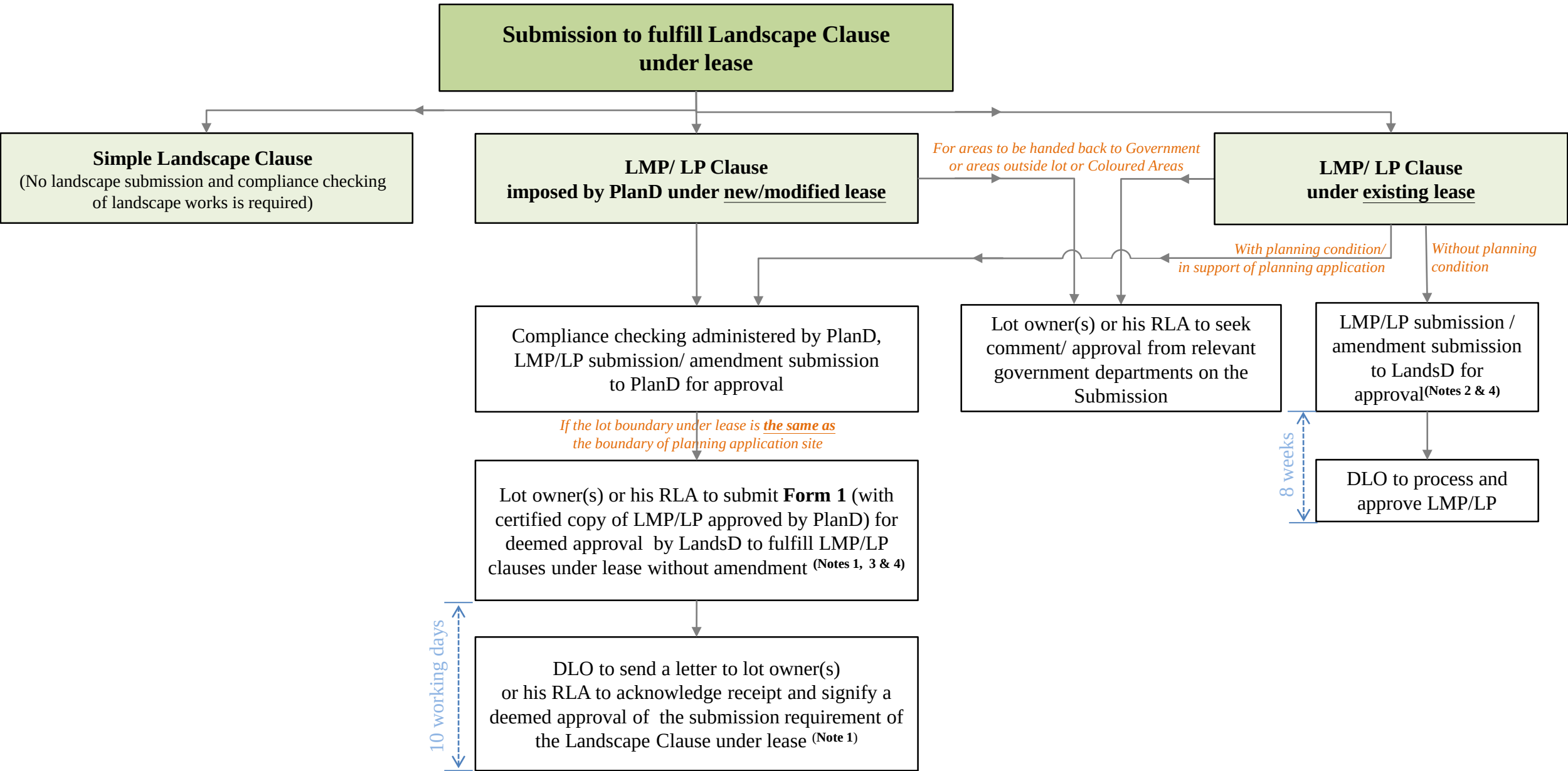
☐ Tick this box if the Lot Owner/Representative of the Lot Owner/RLA agrees to give the consent as set out in this paragraph

Personal Information Collection Statement

PLEASE READ THE FOLLOWING BEFORE COMPLETING THIS FORM

- 1. The information relating to you provided in this Statement will be used by Lands Department for the purpose of processing self-certification of compliance of landscape works submitted in Form 4 and processing application for Certificate of Compliance and for other purposes related to the submission and application.*
- 2. Your provision of all the information in this Statement including Form 3 and Form 4, their enclosures or any documents submitted in support of or in relation to the same is required in relation to checking or ensuring compliance with the lease conditions. Your application for self-certification of compliance of landscape works will not be processed if you fail to provide all the information as requested.*
- 3. The information you provided in this Statement including Form 3 and Form 4, their enclosures or any documents submitted in support of or in relation to the same may be disclosed to other government bureaux / departments for the purposes mentioned in paragraph 1 above. The above personal data may also be disclosed to any third party (whether individual, corporate body, members of the public or other organizations) whether in response to enquiry from members of the public, media or otherwise, or on Lands Department's own accord.*
- 4. You have the right of access and correction with respect to personal data as provided in Sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided in this Statement on payment of the applicable charge.*
- 5. Enquiries on the personal data collected, including the request for access to and correction of the data, should be addressed to the Departmental Personal Data Controlling Officer of Lands Department, 20/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.*

Figure 1: Procedure Flow Chart of Landscape Submission for Compliance of Landscape Clause under Lease (Submission Stage)



Abbreviations

BD	Buildings Department
DLO	District Lands Office includes Railway Development Section and other specialized sections of LandsD where appropriate
JPN 3	Joint Practice Note No. 3 issued in April 2019 by BD, LandsD & PlanD jointly
LandsD	Lands Department
LAO PN	Lands Administration Office Practice Note
LMP	Landscape Master Plan
LP	Landscape Proposal
PlanD	Planning Department
TPRP	Tree Preservation and Removal Proposal
RLA	Registered Landscape Architect
SCG	Site Coverage of Greenery

Notes:

1. For sites with tree preservation clause under lease, submission of the TPRP as part and parcel of the LMP/ LP approved by PlanD to DLO for deemed approval should be in accordance with the procedures in accordance with LAO PN No. 2/2020.
2. Resubmission of LMP/LP may be addressed to Landscape Advisory Team (LAT) of Building Plan Unit for direct attention/reply with copy to DLO if the resubmission involves the lot owner(s) or his RLA 's response to LAT's previous landscape technical advice only. For new submission and amendment submission of LMP/ LP or LMP/ LP that is not the aforementioned case, the lot owner(s) or his RLA is required to submit a fresh submission to DLO for consideration. LAT will provide advice to DLO upon referral.
3. Changes confined to Class A amendments as detailed in the TPB PG No. 36B – *Town Planning Board Guidelines for Class A and Class B Amendments To Approved Development Proposals*. Approval procedures in accordance with paragraph 10 of PlanD's PNPP No. 1/2019 shall be followed for Class B amendments to the approved LMP/ LP.
4. Approval on the submissions of SCG to fulfill the requirement of relevant conditions under lease shall follow the procedure in accordance with paragraphs 9 to 11 of JPN 3.

Figure 2 : Procedure Flow Chart for Completed Landscape Works for Compliance of Landscape Clause under Lease (Completion Stage)

