



Lands Administration Office Lands Department

Practice Note

Issue No. 4/2018

Streamlined Building Plans Checking Process

Purpose

In order to improve the building plans checking process under lease¹, the Lands Department (LandsD) has promulgated a streamlined building plans checking process (the Streamlined Process) and also rationalized the current administrative measures on presentations and meetings by introducing workshops to facilitate the exchange of views between the Authorized Persons (APs) and LandsD as well as the relevant Government departments on the fundamental issues on general building plans (GBP) submission required under lease at the early design stage, details of which are set out in this Practice Note.

2. When preparing any GBP submission, the APs have to ensure and confirm the correctness of all arithmetic and area calculations (including but not limited to calculations on gross floor area and site coverage) and to demonstrate the compliance with development control parameters and the other applicable lease conditions in form of a Development Schedule² submitted together with the GBP.

The Streamlined Process

3. Under the Streamlined Process, LandsD will not check any GBP amendment submissions under the Buildings Ordinance (BO) if they do not have any implications on the conditions under the lease. The obligation is on the lot owner and his APs when submitting the GBP to inform LandsD whenever there are amendments that have such implications after the initial stage. For the avoidance of doubt, amendment submissions do not include any resubmission when the previous submission has been rejected or disapproved by LandsD or major revision³ where the

¹ All references to “lease” in this Practice Note cover Government Lease or Conditions of Sale / Grant / Exchange, etc. (as the case may be) and “leases” shall be construed accordingly.

² LandsD LAO Practice Note No. 2/2018 on “Processing of General Building Plans under lease” should be referred to for submission of the Development Schedule.

³ Major revision refers to the GBP that has been so extensively revised that must be re-considered under the lease. Examples of major revision: changes in disposition, number of blocks, number of storeys, configuration of floor plans; substantial changes in site area, formation levels and configuration; changes that would seriously affect access to buildings etc..

amendments are so extensive that must be re-considered under lease. For the purpose of this Practice Note, the decision of the Director of Lands as to what constitutes major revision shall be final. The operation of the Streamlined Process will not affect any GBP submission requirements under the BO.

3-Stage GBP Checking Process

4. The GBP submissions will, where appropriate, be referred to LandsD for checking compliance with the lease conditions through the Buildings Department's Centralized Processing System⁴. Under the Streamlined Process, there are three stages of vetting of the GBP by LandsD.

(I) Stage 1 – Full set of GBP submission before commencement of building works

(a) The APs are required to submit a full set of GBP accompanied by a Development Schedule which contains the AP's certification confirming the correctness of all arithmetic and area calculations and compliance with the lease conditions (AP's Certification). The APs are also mandate to submit one set of Coloured Building Plans⁵ setting out the areas which are accountable and non-accountable for calculation of gross floor area, transfer plate and extent of site coverage as provided under lease if computer is used for such calculations. The submission of a DVD-ROM for the area calculations electronically as provided under LandsD LAO Practice Note No. 3/2018 is not required.

(b) On the basis of the above-mentioned AP's Certification and Coloured Building Plans (if any), LandsD will not carry out any checking of area calculations contained in the GBP at Stage 1 but will consider the GBP for compliance of other conditions under lease.

(c) If the GBP submitted is considered acceptable in principle under the lease conditions, approval in-principle under lease may be given by LandsD at Stage 1 subject to the conditions, among others, that a full set of the up-to-date GBP duly approved by Building Authority (BA) shall be submitted to LandsD for approval under lease upon or prior to (i) any application for consent to enter into agreements for sale and purchase (Pre-sale Consent) is submitted to the Legal Advisory and Conveyancing Office of LandsD (LACO); and (ii) any application for occupation permit is made to the BA under the BO in compliance with the requirements set out in paragraphs 4(II)(a) and 4(III)(a) below.

⁴ Centralized Processing System is referred to in Buildings Department's Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. ADM-2.

⁵ LandsD LAO Practice Note 3/2018 on "Building Plan Submissions Use of Computer for Mathematical Calculation of Areas" should be referred to.

(II) Stage 2 - Full set of up-to-date GBP submission approved by BA under the BO upon or prior to submission of an application for Pre-sale Consent

(a) Upon or prior to an application for Pre-sale Consent is submitted to LACO, the APs are required to:

- (i) certify and confirm to the relevant District Lands Office⁶ (DLO) that an up-to-date set of GBP with quoted drawing numbers and version date has been duly approved by BA under the BO;
- (ii) submit to the relevant DLO direct a full set of the up-to-date GBP duly approved by the BA under the BO;
- (iii) observe and comply with the requirements under LandsD LAO Practice Note Nos. 2/2018 and 3/2018 for this submission, including without limitation the submission of a DVD-ROM for the area calculations electronically; and
- (iv) certify and confirm that the set of up-to-date GBP submitted to the relevant DLO is the same set of GBP which has been or shall be referred to in the lot owner's application for Pre-sale Consent

for GBP approval under lease.

The APs have to allow adequate time for LandsD for checking of the up-to-date GBP and, where appropriate, LandsD to assess (at its absolute discretion), whether or not approval, consent or lease modification as mentioned in paragraph 4(II)(d) below should be granted.

(b) LandsD will process the checking of the above set of GBP at this stage, including but not limited to the checking of area calculations. The up-to-date GBP will be approved or accepted under lease if LandsD is satisfied that:

- (i) the proposed development as shown on the up-to-date GBP complies with the lease conditions; or
- (ii) the irregularities are rectifiable, will be or have been duly rectified to the satisfaction of the LandsD under the mechanism mentioned in paragraph 4(II)(c) below.

(c) If there are errors in area calculations and other non-compliance of lease conditions including but not limited to the building works under construction do not comply with any of the lease conditions, the lot owner shall rectify the situation to the satisfaction of LandsD including but not be limited to the demolition or removal of any part or parts of the said building works and the making of any corresponding amendments to the GBP. The AP shall keep the

⁶ District Lands Office includes Building Plan Unit and other specialized sections where applicable.

BA and other concerned departments fully informed of any amendments made to the GBP and obtain, where necessary, the approval of BA or other concerned departments to the amendments.

(d) Where the errors in area calculations or non-compliance of the lease conditions cannot be rectified to the satisfaction of LandsD, the lot owner may apply to LandsD for approval, consent, or lease modification as appropriate to relax the development control parameter(s) in respect of the specific lease conditions or to address the irregularities for the life-time of the buildings built or to be built under the GBP. For the avoidance of doubt, every application submitted to LandsD under this provision will be considered on its own merits by the Government at its absolute discretion acting in its capacity as a landlord. There is no guarantee that the approval, consent, or lease modification applied for will be granted by the Government. The approval, consent, or lease modification even if granted, would be subject to such terms and conditions as may be imposed by the Government, including the payment of any premium and administrative fee as may be determined by the Director of Lands. Unless and until the lot owner shall have confirmed acceptance of such terms and conditions and effected payment of the premium and administrative fee (if required) as imposed by the Government and the legal document giving effect to the approval, consent, or lease modification is duly executed by all parties thereto, approval to the GBP will not be given by LandsD.

(III) Stage 3 - Full set of up-to-date GBP submission approved by BA under the BO upon or prior to submission of an application for Occupation Permit

(a) Upon or prior to an application for Occupation Permit is made to BA, the APs are required to:

- (i) certify and confirm to the relevant DLO that an up-to-date set of GBP with quoted drawing numbers and version date has been duly approved by BA under the BO;
- (ii) submit to the relevant DLO direct a full set of the up-to-date GBP duly approved by the BA under the BO;
- (iii) observe and comply with the requirements under LandsD LAO Practice Note Nos. 2/2018 and 3/2018 for this submission, including without limitation the submission of a DVD-ROM for the area calculations electronically; and
- (iv) certify and confirm that the set of up-to-date GBP submitted to the relevant DLO is the same set of GBP which has been or shall be referred to the BA in the application for Occupation Permit

for GBP approval under lease.

(b) LandsD will process the checking of the above set of GBP at this stage, including but not limited to the checking of area calculations. The up-to-date GBP will be approved or accepted under lease if LandsD is satisfied that:

- (i) the proposed development as shown on the up-to-date GBP complies with the lease conditions; or
- (ii) the irregularities are rectifiable, will be or have been duly rectified to the satisfaction of the LandsD under paragraph 4(III)(c) below.

(c) If there are errors in area calculations and other non-compliance of lease conditions including but not limited to the completed building works or works under construction, which have been or are carried out in accordance with the above set of GBP but do not comply with any of the lease conditions, the lot owner shall rectify the situation to the satisfaction of LandsD including but not be limited to the demolition or removal of any part or parts of the said works and the making of any corresponding amendments to the GBP. The AP shall keep the BA and other concerned departments fully informed of any amendments made to the GBP and obtain, where necessary, the approval of BA or other concerned departments to the amendments. Failure to comply with any lease conditions may result in appropriate lease enforcement actions being taken and the lot being re-entered by the Government.

(d) No application for approval, consent, or lease modification to relax the development control parameter(s) or to address any irregularities or other non-compliance of lease conditions would normally be entertained by LandsD at this Stage. The AP or lot owner shall rectify any irregularities and non-compliance of lease conditions as required by LandsD to the satisfaction of LandsD.

Processing Time

5. The processing time of GBP submission stated in our Performance Pledges which have been posted on our website (www.landsd.gov.hk) remains applicable to the 3 stages as outlined above. For the avoidance of doubt, the processing time is counted from the date of valid receipt of submission (i.e. no outstanding information required to be submitted by the AP).

Workshop Approach

6. Currently, where the GBP submission is related to some comprehensive development projects involving physical interfacing issues with the Government and other public facilities within or adjoining lot, the lot owner or the AP may approach the relevant DLO for presentation of the design concept of the proposed development and for arrangement of meetings to exchange views on any fundamental issues of concerns prior to a GBP submission. Both sides will be benefited from exchange of views at these presentations or meetings in the form of workshop. LandsD has rationalized this administrative arrangement by introducing a workshop approach applicable to all types of development as outlined in paragraphs 7 and 8 below.

7. For the request of workshop arrangement, the AP shall set out clearly in writing the purposes of the proposed workshop, e.g. whether it is for a presentation of the design concept of the proposed development or redevelopment or for exchange of views on the fundamental issues of concern, together with the relevant documents (e.g. drawings), for discussion. Upon receipt of the written request from the AP, the relevant DLO will inform the AP as to whether a workshop will be held and the corresponding arrangement; or the identified fundamental issues would be considered by enquiry submission or other means instead. Where appropriate, representatives of the other Government bureaux or departments may be invited to join the workshop. Supplementary information may be required to be provided by the AP or lot owner in advance of the workshop or at any time during the process of enquiry submission. Request for workshop on walk-in basis will not be entertained. Depending on individual circumstances of each case (such as the complexity of the identified fundamental issues), generally, a maximum of two workshops per site may be arranged and held prior to a GBP submission, resubmission or major revision.

8. Please note that the workshop is not meant to be a forum for the Government or the Government's representatives to confirm whether the proposed design concept or any particular aspects of the proposed development complies with the terms and conditions of the lease. The workshop would not and will not touch on any interpretation of the terms and conditions of the relevant lease. The representatives of DLO or relevant Government department may however elaborate on the prevailing guidelines laid down in the relevant LAO Practice Notes or otherwise in respect of checking of building plans and other compliance under leases. For the avoidance of doubt, it is hereby specifically declared that any view or comments expressed by the representatives of DLO, the Government bureaux or departments at the workshop are made on a "without prejudice" and "no commitment" basis and shall not in any way fetter or affect the rights of the Government, the Director of Lands and their officers under the relevant lease or the Government's rights as lessor/landlord in processing any GBP submission under lease.

Application

9. Save for those GBP submissions referred to in paragraph 10 below, the Streamlined Process will apply to all NEW GBP submissions (including subsequent resubmissions or major revisions) for development and redevelopment projects received by LandsD through the Centralized Processing System on or after 1 February 2019. For the GBP submissions received by LandsD through the Centralized Processing System before the said date, they would continue to be processed in the usual manner.

10. The Streamlined Process or the workshop approach is not applicable to the GBP submissions for redevelopment under virtually unrestricted government lease referred to in LAO Practice Note No. 1/2017 or addition and alteration to the existing buildings, the building plans submissions of technical nature, such as site formation plan, drainage plan, hoarding plan, formation of green/yellow areas and the landscape plan / landscape master plan as required under landscape clause of the relevant leases.

11. 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 lease or the Government's rights as lessor/landlord, and all such rights are hereby reserved, 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 lease.

A handwritten signature in blue ink, appearing to be 'Chan', with a stylized flourish at the end.

(Thomas CHAN)
Director of Lands
26 November 2018