



Compliance of Landscape Clause under Lease

This Practice Note (“PN”) varies and supplements Lands Department (“LandsD”) Lands Administration Office Practice Note No. 1/2020 (“PN 1/2020”).

Submission Stage

2. To expedite the processing of Landscape Master Plan (“LMP”)/ Landscape Proposal (“LP”) not made in connection with planning application at submission stage under paragraph 10 of PN 1/2020, the lot owner may opt to appoint a Registered Landscape Architect (“RLA”) to prepare and submit a Self-Certification of Compliance (“SCC”) (**Form 6**) and Owner’s Statement (**Form 7**) (Appendices to this PN) in his submission of a LMP/ LP to the District Lands Office (DLO)¹ for approval under the landscape clause in the lease when the following conditions are fulfilled:

- (a) the LMP/ LP was prepared by a RLA;
- (b) the LMP/ LP incorporated the latest Tree Preservation and Removal Proposal of the same lot approved by LandsD; and
- (c) the LMP/ LP included the location, disposition and layout of those greenery areas and greening features (as referred to under Appendix D of Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 issued by the Buildings Department (“BD”)) complying with the prescriptive site coverage of greenery requirement specified in the lease and accepted by BD.

3. All valid LMP/ LP submissions together with SCC submitted to DLO will be entered into a register and randomly selected for full compliance checking in consultation with

¹ For the purpose of this PN and PN 1/2020, DLO includes Railway Development Section and other specialized sections of LandsD.

the Landscape Advisory Team (“LAT”) of the Building Plan Unit of LandsD. The RLA will be notified by DLO if the submission is randomly selected for full compliance checking within 10 working days from the date of receipt of the valid LMP/ LP submission and the associated SCC (“the receipt date of LMP/ LP and SCC submission”). If the LMP/ LP submission is not selected for full compliance checking, the RLA will be so notified. LandsD will issue a letter of acknowledgement, signifying a deemed approval of submission requirement of the landscape clause under lease, within 4 weeks from the receipt date of the LMP/ LP and SCC submission. If the LMP/ LP submission is selected for full compliance checking, the RLA will be notified of the result within 8 weeks from the receipt date of the LMP/ LP and SCC submission. If the LMP/ LP submission is not acceptable after checking, the RLA may revise the submission and re-submit it to DLO for consideration.

Other Facilitation Measures

4. To expedite the processing of LMP/ LP and facilitate early completion of private developments, LandsD will adopt facilitation measures when an application for land exchange, land grant or lease modification (collectively refer to “the proposed land transaction”) is being processed for a proposed development and where the lot owner has entered into a binding contract and paid the required deposit for the proposed land transaction. Under such circumstances, the lot owner or his appointed RLA may submit LMP/ LP to the DLO for consideration. The submission will be vetted and comments will be given to the applicant in accordance with the established time frame. If the submission is considered acceptable and all relevant conditions or criteria in PN 1/2020 are satisfied, formal approval to the LMP/ LP will be given after completing the proposed land transaction.

5. To enhance communication on the technical advice of LMP/ LP, comments from the LAT will be sent to the RLA direct for reference in advance of the consolidated reply from the DLO.

Compliance Checking at Completion Stage

6. For processing SCC submission upon completion of landscape works in accordance with approved LMP, the time frames specified in paragraphs 11(c) and (d) of PN 1/2020 are revised respectively as follows:

- (a) The RLA will be notified by DLO if the submission is randomly selected for full compliance checking within 10 working days² from the date of receipt of the valid SCC submission for completed landscape works (“the receipt date of SCC for completed landscape works”). If the RLA does not receive any

² The original time frame was “14 working days” under paragraph 11(c) of PN 1/2020.

response from DLO within the said 10 working days, the SCC of the completed landscape works is deemed to have complied with the landscape clause under lease.

- (b) If the lot is selected for full compliance checking, the RLA will be notified of the result within 8 weeks³ from the receipt date of SCC for completed landscape works. For the avoidance of doubt, the provision for rectification as well as submission of a fresh SCC upon completion of the rectification works as stipulated in paragraph 11(d) of PN 1/2020 shall remain.

7. Paragraph 17 of PN 1/2020 is revised as follows:

“The lot owner and the RLA shall ensure that the approved/implemented LMP/ LP is in all respects in compliance with the lease and consistent with the approved building plans. The deemed approval of the LMP/ LP pursuant to PN 1/2020 and PN 1/2020A or any of them (collectively “the Practice Notes”) or the deemed compliance of the landscape clause under lease pursuant to the Practice Notes shall 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. Any such deemed approval or deemed compliance based on the certification by the lot owner and the RLA shall not in any way prejudice or affect LandsD’s rights to withdraw or revoke the deemed approval or deemed compliance for any reasons, and LandsD reserves its right to withdraw or revoke the deemed approval or deemed compliance if it finds out at any time that the LMP/ LP or the SCC does not comply with LandsD’s requirements or the landscape works have not been completed in accordance with the approved LMP/ LP.”

8. The term “this PN” in paragraph 18 of PN 1/2020 is thus revised to “the Practice Notes”.

9. **Form 1, Form 2, Form 3, Form 4 and Form 5** as referred to in paragraphs 7, 8, 11 and 12 of PN 1/2020 are superseded by **Form 1A, Form 2A, Form 3A, Form 4A and Form 5A** (Appendices to this PN). Please refer to **Figure 1A, Figure 1B and Figure 2A** (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. **Figure 1 and Figure 2** (Appendices to PN 1/2020) are superseded by **Figure 1A and Figure 2A**.

³ Under paragraph 11(d) of PN 1/2020, the original time frame was that “*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*”.

10. Except as varied and supplemented by this PN, all other information and provision in PN 1/2020 remains valid. All rights to modify the whole or any part of this PN and PN 1/2020 are hereby reserved.

Effective Date

11. This PN will take immediate effect.



(Andrew LAI)

Director of Lands

30 May 2022

Appendices

- I(a)** **Form 1A** – Application for Deemed Approval of Landscape Master Plan/
Landscape Proposal for Compliance of Landscape Clause under Lease

- I(b)** **Form 2A** – Application for Deemed Compliance on Completion of
Landscape Master Plan/ Landscape Proposal for Compliance of Landscape
Clause under Lease

- I(c)** **Form 3A** – Report on Completion of Landscape Works for Compliance of
Landscape Clause under Lease

- I(d)** **Form 4A** – Self-Certification of Compliance for Completed Landscape
Works within lot under Landscape Clause

- I(e)** **Form 5A** – Owner’s Statement regarding Self-Certification of Compliance
for Landscape Works

- I(f)** **Form 6** – Self-Certification of Compliance on Submission of Landscape
Master Plan/ Landscape Proposal for Compliance with Landscape Clause
under Lease

- I(g)** **Form 7** - Owner’s Statement regarding Self-Certification of Compliance on
Submission of Landscape Master Plan/ Landscape Proposal

- II(a)** **Figure 1A** - Procedure Flow Chart of Landscape Submission for Compliance
of Landscape Clause under Lease (Submission Stage)

- II(b)** **Figure 1B** - Procedure Flow Chart of Landscape Submission for Compliance
of Landscape Clause under Lease (Submission Stage)(SCC)

- II(c)** **Figure 2A** - Procedure Flow Chart for Completed Landscape Works for
Compliance of Landscape Clause under Lease (Completion Stage)