



**Applications for Lease Modification
including Land Exchange for Development of Land
in Hung Shui Kiu/Ha Tsuen New Development Area**

Following the issue of the Practice Note (“PN”) No. 13/2023 on New Arrangements for Applications for Lease Modification, including Land Exchange under the “Enhanced Conventional New Town Approach” (“ECNTA”) by Lands Department (“LandsD”) on 28 December 2023, owners of private lots within Hung Shui Kiu/Ha Tsuen New Development Area (“HSK/HT NDA”) may apply to LandsD for a lease modification including land exchange (collectively “land exchange”) for development of their lots within sites earmarked by the Government for private development and open for land exchange application within HSK/HT NDA under the ECNTA. Lot owners who wish to apply for or have applied for such a land exchange (“Applicants”) should refer to this PN and PN No. 13/2023 for information regarding the application.

Relevant Plans

2. Development of the HSK/HT NDA should follow the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/2 gazetted on 26 October 2018 and/or on any subsequent amendment plans thereof (“the OZP”). Information in respect of the OZP may be obtained from the Town Planning Board website: <http://www.ozp.tpb.gov.hk/>. Hard copies of the OZP are also available for sale at the Map Publications Centres. Development of the HSK/HT NDA should also make reference to the adopted Hung Shui Kiu and Ha Tsuen Outline Development Plan (“the ODP”), which is available for sale at the Map Publications Centres and for inspection at the Planning Enquiry Counters of the Planning Department.

Sites Open for Application

3. The sites in the HSK/HT NDA which are now open for land exchange application are coloured yellow hatched red or green hatched red on the Reference Plan (“designated development sites”), which has been uploaded onto LandsD’s website. In general, designated development sites include sites planned for private residential, mixed residential and commercial, commercial or industry (earmarked for “Other Specified Uses” (“OU”) annotated “Port Back-up, Storage and Workshop Uses”) development under the Second Phase and

Remaining Phase development of HSK/HT NDA in the ODP¹ (denoted on the Reference Plan respectively as “Sites Open for Application for Lease Modification (including in-situ Land Exchange) in Second Phase of Hung Shui Kiu/Ha Tsuen New Development Area” (“Second Phase sites”) and “Sites Open for Application for Lease Modification (including in-situ Land Exchange) in Remaining Phase of Hung Shui Kiu/Ha Tsuen New Development Area” (“Remaining Phase sites”). In view of the phased development programme of HSK/HT NDA, priority will be given to those applications involving the Second Phase sites as the land resumption and development programme for the Second Phase development is earlier. Applications involving the Remaining Phase sites will in general be accorded with lower priority, and their relative priority will be determined taking into account relevant factors such as technical feasibility, readiness of supporting infrastructure and access, etc. For the avoidance of doubt, the exact locations and boundaries of the sites open for application for land exchange as shown in the Reference Plan are for illustration only and may be adjusted or amended as appropriate. The Government retains full discretion in determining the boundary of the land parcels for the land exchange site, including amalgamating adjoining designated development sites into a single development if considered appropriate.

Submission Requirements and Criteria

4. When submitting land exchange applications, Applicants should follow the checklist of basic submission requirements in **Appendix I** and acknowledge the Note on Use of Personal Information Required in the Application in **Appendix II** for any personal information provided in the application. Applicants should refer to PN No. 13/2023 in relation to the general application requirements and new arrangements for land exchange applications under the ECNTA. For application criteria specifically applicable to HSK/HT NDA, Applicants should refer to the Specific Criteria set out in **Appendix III**.

5. Applicants should note and observe the relevant urban and green design requirements and guidelines applicable to the designated development sites as stipulated under the “Urban and Green Design Requirement Brief for Private Development Sites for Future Town Centre and District Commercial Node” and the “Urban Design Guidelines for Future Town Centre & District Commercial Node” issued by the Civil Engineering and Development Department and the Planning Department respectively. Both documents can be downloaded from the HSK/HT NDA website: <http://hskhtnda.hk/>. Applicants will be advised of the detailed requirements applicable to their applications (if any) individually in due course. Such requirements may be imposed by the Government in its absolute discretion specified in the land grant documents.

6. As stated in PN No. 13/2023, Applicants for land exchange under ECNTA may be required by the Government to construct public facilities, including but not limited to public transport interchanges, open space or welfare/recreational facilities. For the avoidance of doubt, in accordance with PN No. 13/2023, Applicants who opt for the relaxed land ownership criterion shall be required to construct public facilities in the HSK/HT NDA as a condition for the land exchange; as for other Applicants, the Government may invite them to construct public facilities as appropriate. The construction of any public facilities shall be in specified manners

¹ Sites with adjoining or intervening government land capable of reasonable separate alienation or development and sites in the Remaining Phase which are subject to planning review are not open for land exchange application at this stage. Sites to be affected by Government’s works, intended for development under the Railway plus Property model, or subject to other policy considerations are also not open for land exchange application.

with specified materials and to specified standards as may be required by the Government in its absolute discretion and specified in the land grant documents. If the Government considers it appropriate, the construction cost of the public facilities may be premium deductible. The Government will determine the public facilities (if any) to be constructed by individual Applicants for designated development sites, as well as their detailed requirements and premium-deductible costs (if applicable), and will inform the Applicants individually. In particular, for designated development sites within Planning Area 32A in the ODP, Applicants should take note of the potential requirement to construct facilities relating to a proposed strategic Transport Interchange Hub.

Specific Requirement for Specific Sites Earmarked for “OU” annotated “Port Back-up, Storage and Workshop Uses”

7. For specific sites earmarked for “OU” annotated “Port Back-up, Storage and Workshop Uses” which are relatively large in size and marked with a hash (“#”) on the Reference Plan, the Applicant will be required to hand over, upon completion of the development, no less than 30% of the floor space to Government (“the Government Accommodation”) for accommodating brownfield operations displaced by Government development projects. The Government Accommodation will be taken over by the Government for leasing to displaced brownfield operators at terms and conditions to be decided by the Government (the uses of which will be generally compatible with, though not necessarily belonging to, the major uses for the remaining 70% floor space). Relevant specific requirements will be incorporated as part of the land exchange conditions as needed.

Assessment of Premium at Standard Rates

8. The Government will provide an option for assessment of premium at standard rates to land exchange applications in the NDA. Details will be announced in due course. For the avoidance of doubt, PN No. 12/2023 on Charging Land Premium at Standard Rates on Lease Modifications for Redevelopment of Industrial Buildings does not apply to the land exchange applications pursuant to this PN.

Submission of Applications and Deadlines

9. Applications should be submitted to LandsD New Development Area Section for the attention of the Chief Estate Surveyor/NDA, which is located in Unit 1501-10, 15/F, Landmark North, 39 Lung Sum Avenue, Sheung Shui, New Territories. The deadline for submitting land exchange applications in respect of the Second Phase sites pursuant to this PN is **30 April 2024**. Late applications will not be considered. Any accepted application for the Second Phase sites will cease to be processed if a binding basic terms offer (with premium) cannot be issued and accepted on or before **31 March 2025** taking into account the Government’s development programme. The administrative fee or any other fee paid will not be refunded upon cessation of processing the applications in this circumstance or in any of the circumstance as set out in any letter demanding payment of administrative fee. The deadlines for receiving and concluding applications in respect of Remaining Phase sites will be separately announced on LandsD’s website at an appropriate time having regard to the development programme of the Remaining Phase.

10. Owners are advised to engage competent professionals to assist them in making the applications.

11. Please note that LandsD acting in its capacity as private landlord may, at its sole and absolute discretion, approve or reject any applications. This PN shall not constitute any representation on the part of the Government or give rise to any expectation on that part of the Applicant that any application submitted to LandsD will be processed or approved.

12. This PN is issued for general reference purposes only. All rights to modify the whole or any part of this PN are hereby reserved.



(Andrew LAI)
Director of Lands
1 February 2024

Checklist of Basic Requirements for Submission of an Application for a Land Exchange for Development of Land within Hung Shui Kiu /Ha Tsuen New Development Area

A. Information / Documents that must be submitted¹ :

- (i) A detailed application letter clearly identifying the property² concerned, the variations being sought in respect of any terms and conditions of the existing lease conditions including the modification of any restrictions and development parameters included in the existing lease conditions (e.g. proposed user, maximum gross floor area, site coverage, number of storeys/building height, etc.)
- (ii) A copy of an up-to-date location / site plan on an appropriate scale (normally 1:1000) showing the property.
- (iii) A copy of the Town Planning Board approval letter for the proposed uses or development, if applicable.
- (iv) A copy of computer printout (either hard copy or soft copy) containing the current ownership particulars of the property.
- (v) If submitted by an agent, a written authorization from the principal who should be the registered owner or a prospective purchaser³ of the property.
- (vi) If submitted by a prospective purchaser³, a written consent from the registered owner.
- (vii) If submitted by an individual applicant, a written confirmation that he has read and understood the Note on Use of Personal Information Required in the Application at **Appendix II** and that he consents to disclosure of his personal data to other Government bureaux or departments for the purpose of considering and processing his application.

B. Information / Documents that will facilitate the processing of the Application:

- (viii) An extract copy of the relevant Outline Zoning Plan (together with the explanatory notes, as appropriate) showing the property.
- (ix) For application involving portion(s) of a lot, or sub-divisions of any lots, to help expedite the verification of site areas and site boundaries, all relevant assignment plans or Deed Poll plans should be provided together with any relevant information relating to the delineation of the boundaries of these sub-divisions.
- (x) Sketch plans illustrating the proposed development, if available.

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| (xi) | Copies of any approved submissions by other relevant authorities relating to the development proposal or other relevant study assessment reports, if available (e.g. Approved Master Layout Plans under the Town Planning Ordinance, Environmental / Traffic / Drainage Impact Assessment Reports etc.) | <input type="checkbox"/> |
| (xii) | A schedule showing the details of any existing occupants on the lots to be surrendered including the name and number of occupants, nature of occupation, length of occupation and any tenancy agreement. | <input type="checkbox"/> |
| (xiii) | A schedule showing the details of all occupants on the lots to be surrendered as at 13 April 2017 or thereafter but have subsequently moved out including the name and number of such occupants, nature of occupation, length of occupation and any tenancy agreement. | <input type="checkbox"/> |
| (xiv) | A proposed development programme for the proposed development. | <input type="checkbox"/> |
| (xv) | To facilitate timely determination by LandsD of whether the 90% threshold of private land within designated development site is fulfilled, the applicant may provide to LandsD the submission and documents prepared by an Authorised Land Surveyor ⁴ showing (a) the areas (plan area) and boundaries of the lots to be wholly / partially surrendered; and (b) the areas (plan area) and boundaries of the overall private land within the corresponding designated development site ⁵ . | <input type="checkbox"/> |

Notes :

- 1 Please put a tick in the relevant box if applicable unless otherwise specified; and delete as appropriate.
- 2 Property includes all lots involved in a land exchange application.
- 3 A prospective purchaser is an intending purchaser under an existing Agreement for Sale and Purchase registered in the Land Registry.
- 4 Authorised Land Surveyor is professional land surveyor registered under Part IV of the Land Survey Ordinance (Cap 473). The list of practising authorised land surveyor is available at: <https://www.landsd.gov.hk/en/survey-mapping/authority/als.html>
- 5 The submission and documents should be submitted alongside the submission of the land exchange application. Otherwise, LandsD will simply base on the information known to the department and consider whether the 90% threshold could be fulfilled. LandsD reserves the right to require the applicant to provide additional supporting documents to facilitate processing and the applicant shall provide such documents within such time as required by LandsD.

Note on Use of Personal Information Required in the Application

Purpose of Collection	The personal data provided in application pursuant to this Practice Note and Appendix I will be used by the Lands Department for the purpose of considering and processing the application. The provision of the personal data is obligatory. If you do not provide the personal data, the Lands Department may not be able to process your application.
Class of Transferees	The personal data you provided may be disclosed to other Government bureaux / departments for the purpose mentioned above.
Access to Personal Data	The individual who is the subject of the personal data has a right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Such right of access includes the right to obtain a copy of the personal data provided upon payment of the applicable charge.
Enquiries	Enquiries concerning the personal data collected, including the request for access and corrections, should be addressed to: Departmental Personal Data Controlling Officer of the Lands Department 20/F., North Point Government Offices 333 Java Road, North Point Hong Kong

**Specific Criteria for Consideration of Applications for Lease Modification
including Land Exchange for Development of Land
in Hung Shui Kiu /Ha Tsuen New Development Area**

1. **Confinement within the designated development sites** – the surrender of lots for land exchange will be confined to private lots lying within the relevant designated development site mentioned in paragraph 3 of PN No. 1/2024 and shown on the Reference Plan. Surrender of lot(s) lying outside the designated development site will not normally be accepted.
2. **Ownership, Size and Configuration** – all private lots to be surrendered should be under the ownership of a single owner or joint venture owners as the Applicant. The Surrender Site (i.e. the proposed site to be surrendered) should have an area meeting the following criteria –
 - (a) for sites earmarked for “Commercial”, “Other Specified Uses” (“OU”) annotated “Commercial & Residential” or “OU” annotated “Port Back-up, Storage and Workshop Uses” in the Hung Shui Kiu and Ha Tsuen Outline Development Plan – not less than the total area of the private land within the designated development site concerned, excluding land subject to minor adjustment of the development site boundary that will not adversely affect the development layout of the site. The planning intention is to pursue a single development for each of these designated development sites. If the Applicant has acquired 90% or more (but less than 100%) of all private land within the designated development site, he may apply for the relaxed land ownership criterion for his application as per paragraphs 8 to 10 of PN No. 13/2023 (the Applicant should indicate in his land exchange application if he is applying for the relaxed land ownership criterion). The Re-grant Site (i.e. the site to be re-granted in exchange of the Surrender Site if approved) shall also conform to the site boundary of the designated development site concerned, subject to minor adjustment of the development site boundary that would not adversely affect the development layout of the site. For avoidance of doubt, the above does not imply any intention or obligation on the part of the Government to make available government land adjoining or intervening the private land within the designated development site to enable the Re-grant Site to conform to the development site layout of the designated development site.
 - (b) for residential sites – not less than 4 000 m² (which is a reasonable size to achieve a decent residential development with supporting facilities). If the Applicant has acquired 90% or more (but less than 100%) of all private land within a designated development site and also meets the minimum land

ownership requirement of 4 000 m², he may apply for the relaxed land ownership criterion for his application as per paragraphs 8 to 10 of PN No. 13/2023 (the Applicant should indicate in his land exchange application if he is applying for the relaxed land ownership criterion). The application site should be reasonably regular in shape with no intervening private lots not owned by the Applicant (i.e. lots to be surrendered comprising the application site should be contiguous), except for residual lots being sought for Government resumption under the relaxed land ownership criterion mentioned above. For application prepared on the basis of meeting the minimum size requirement (i.e. not less than 4 000 m²) only without including all private land within the designated development site and without resort to the relaxed land ownership criterion, the Applicant should submit layout plans to demonstrate the feasibility of decent and practical development(s) fully utilising the land of the designated development site concerned, and the satisfaction of other applicable criteria in this PN.

3. **Access** – the provision of proper vehicular access to the application site is feasible.
4. **Compliance with the Outline Zoning Plan** – proposed use and development parameters of the application site should comply with the relevant Outline Zoning Plan.
5. **No adverse implications** – the proposed development at the application site should not cause insurmountable problems to the planning, layout and urban design of the surrounding area, and will not jeopardize or hamper the development potential or vehicular access of adjacent lands under different ownerships.