



Accountable and Non-accountable Gross Floor Area (GFA) under Lease

The streamlined arrangements for stipulating maximum plot ratio (PR) / GFA restriction, determining GFA accountability of typical building facilities, features and structures as well as checking compliance with the maximum PR/GFA restriction amongst the Buildings Department, Lands Department and Planning Department have been promulgated in the revised Joint Practice Note No. 4 (JPN No. 4) which takes effect from 18 October 2021 (the Effective Date). To implement the streamlined arrangements, this practice note (PN) varies or supplements the relevant paragraphs of Lands Administration Office Practice Note Issue No. 4/2014 (LAO PN No. 4/2014) in so far as the accountability of certain building facilities, features and structures in GFA calculation is concerned.

2. The streamlined arrangements in determining the GFA accountability as promulgated in JPN No. 4 apply to all new building plans or major revision of building plans for development proposals submitted to the Building Authority (BA) for approval on or after the Effective Date. In accordance with the streamlined arrangements, in processing such plans on or after the Effective Date, notwithstanding the provisions of LAO PN No. 4/2014, the GFA accountability under lease¹ for certain building facilities, features and structures would be treated in accordance with JPN No. 4 subject to compliance with the exemption criteria as set out in JPN No. 4 (if any). In principle, the BA's ruling would be followed in exempting such facilities, features and structures from GFA calculation.

3. This PN is not applicable to any building which, by reason of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), is exempted from the provisions of the Buildings Ordinance (Cap. 123).

4. Nothing in this PN shall in any way fetter or affect or prejudice the rights of the Government, the Director and their officers under the relevant lease or the Government's rights as lessor/ landlord, and all such rights are hereby reserved. Besides, 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. All rights to modify the whole or any part of this PN are hereby reserved.

(Andrew LAI)
Director of Lands
7 October 2021

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