



Lands Administration Office

Lands Department

Practice Note

Issue No. 9/2023

Installation and Operation of Smart Lockers in Private Residential Developments

With the increasing popularity of online shopping, the use of self-service tools for deposit and picking up of goods (“smart lockers”) has become popular in Hong Kong over the past years. Smart lockers are usually installed in shopping malls to facilitate the picking up by customers after online purchases. However, for a development subject to a residential user restriction¹ under lease² (“residential development”), installation and operation of smart lockers in the development accessible to and for use by the general public, rather than solely used by residents of the development, would constitute a breach of the user restriction.

2. To balance the need of the community and the lease requirements, the Lands Department has decided not to enforce the user restriction against installation and operation of smart lockers in the common areas³ of a residential development which may be used by the general public, on condition that the following criteria are all met to the satisfaction of the Director of Lands (“the Director”):-

- (a) The aggregate floor area occupied by the smart lockers shall not exceed the sum of floor area calculated at a ratio of 3 square metres per residential block⁴ in the residential development.
- (b) The smart lockers shall not exceed a height of 2.75 metres.

¹ The residential user restriction includes restriction of “private residential purposes”, “residential purposes”, “residence(s)”, “as a dwelling house” and “as a messuage or dwelling house” (“the user restriction”).

² All references to “lease” in this Practice Note (“PN”) shall include Government Lease or Conditions of Sale / Grant/ Exchange, etc. as the case may be.

³ Common areas are generally under the management and control of the Incorporated Owners or the property manager of a development and are designated as such in the Deed of Mutual Covenant (“DMC”) of the development. In determining whether an area is common area for the purpose of this PN, the decision of the Director of Lands shall be final.

⁴ For the purpose of this PN, the decision of the Director as to what constitutes a residential block shall be final.

- (c) No smart locker shall be installed in the common areas of the residential development designated for public passage or in means of escape and emergency escape routes or exits, and installation of smart lockers in the common areas of the residential development shall not contravene any other lease conditions.
 - (d) No advertising sign, bill, placard or notice shall be displayed on the smart lockers except for displaying the name and contact information of the relevant smart locker provider and other information that is essential for the operation of the smart lockers.
 - (e) The smart lockers shall be securely attached to the floor or the wall.
3. For the avoidance of doubt, there is no restriction on the number of smart lockers installed at any one residential block as long as the total sum of floor area in the residential development occupied by the smart lockers does not exceed the aggregate floor area per residential block of the development calculated at the ratio in paragraph 2(a) above (as to which the decision of the Director shall be final).
4. Incorporated Owners/ Owners' Corporation or property manager of the residential development should ensure that the provision of the smart lockers complies with the above criteria and other conditions in the lease as well as the DMC governing the residential development.
5. The Government shall have no liability in respect of any loss or damage whatsoever caused to any owner or resident of the residential development or any other person arising out of the installation and operation of the smart lockers within the scope of this PN or otherwise and no claim for such loss or damage shall be made against the Government or the Director.
6. Nothing in this PN shall in any way fetter or affect or prejudice the exercise of the rights of the Government, the Director and their officers under the relevant lease or the Government's rights as lessor or landlord. All such rights are hereby reserved and nothing in this PN, including any words and expressions used, shall in any way be construed as any variation or waiver of any provisions under the relevant lease or affect, prejudice or bind the Government in relation to the interpretation or enforcement of the terms and conditions of the relevant lease.
7. Moreover, this PN shall not affect other terms, covenants and conditions in the lease, the Buildings Ordinance, the Town Planning Ordinance and other legislations or otherwise, and shall not prejudice any rights and remedies of any parties under the DMC of

the development (if applicable).

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

A handwritten signature in blue ink, appearing to read "Andrew Lai", with a stylized flourish at the end.

(Andrew LAI)
Director of Lands
8 December 2023