Tree Preservation and
Tree Removal Application for
Building Development in Private Projects

With immediate effect, this Practice Note varies and supplements Lands Department Lands Administration Office ("LAO") Practice Note No. 7/2007.

2. The reference to "District Lands Office ("DLO")" in paragraph 8 of LAO Practice Note No. 7/2007 is replaced by "District Lands Office or Specialist Section of Lands Department (hereinafter collectively referred to as "DLO")".

3. Paragraphs 12 and 13 of and Appendix I(c) to LAO Practice Note No. 7/2007 are superseded by the following provisions:

"Provision for Deemed Approval Streamlined Submission Procedure for Tree Works within Lot for Cases with Planning Permission under Section 16 or Section 17 of the Town Planning Ordinance ("TPO")

12. Subject to compliance with the provisions in paragraph 12A below, an approval under the tree preservation clause of the lease Note is deemed to be given by the Director of Lands if the concerned lot owner's appointed Registered Landscape Architect ("RLA") certifies that the content of the Application (as defined in paragraph 3 of LAO Practice Note No. 7/2007) as required under the tree preservation clause of the lease and in Form 1C as stipulated in paragraph 13 below is:

(i) for cases where no condition is imposed in the approval given by the Town Planning Board ("TPB") in respect of the Landscape Master Plan ("LMP")/Landscape Proposal ("LP"), the same as the tree preservation and removal proposal submitted in support of the planning application which has been approved by TPB; or

Note: All references to "lease" in this Practice Note and PN No. 7/2007 cover lease or land grant (as the case may be).
(ii) for cases where condition(s) is/are imposed in the approval given by TPB or the Planning Department ("PlanD") under the TPO in respect of the LMP/LP, the same as the tree preservation and removal proposal which has been submitted for compliance with the planning conditions and approved by TPB or PlanD under the TPO.

12A. In the event that the tree preservation and removal proposal has been approved by TPB/PlanD for more than 2 years and there has been no change since such approval of the tree preservation and removal proposal by TPB/PlanD, the RLA should specifically indicate the same in his or her certification. However, in the event that there are any changes which are Class A amendments as detailed in the TPB PG No. 36A – Town Planning Board Guidelines for Class A and B Amendments To Approved Development Proposals ("Class A amendments"), the RLA should indicate these changes in the Application and certify that they are Class A amendments.

13. To obtain the above deemed approval under the tree preservation clause of the lease, the Application shall be submitted by the RLA in Form 1C (at Appendix I(c) hereto) (with the certification as required under paragraphs 12 and 12A above) to the relevant DLO (as defined in paragraph 8 of LAO Practice Note No. 7/2007) ("the Deemed Approval Streamlined Submission"). The entire tree preservation and removal proposal together with the relevant compensatory planting proposal as approved by TPB/PlanD for application of the deemed approval should also be attached to the RLA’s Application. Upon receipt of the Application, the relevant DLO will send a letter to the RLA to acknowledge receipt, and this acknowledgement would signify the giving of deemed approval.

13A. Paragraphs 12 and 12A above are inapplicable to any Application where the lot boundary under the lease is substantially different from the boundary of the planning application site as contained in the planning application approved by TPB and accordingly further approval from PlanD or TPB is required under TPB PG No. 36A – Town Planning Board Guidelines for Class A and B Amendments To Approved Development Proposals. In addition, paragraphs 12 and
12A above only apply to the area(s) within the lot boundary of the concerned private lot. For any Application in respect of trees on areas outside the lot boundary of the concerned private lot, the lot owner or the RLA has to follow paragraph 22 of LAO Practice Note No. 7/2007 in getting the relevant approval.

13B. Lot owners, their APs (as defined in paragraph 2 of LAO Practice Note No. 7/2007) and their RLAs should note that any deemed approval given under paragraph 12 above is limited to the tree preservation clause under the lease conditions and should not be construed as an acknowledgement that anything indicated in the deemed approved Application is in all respects in compliance with other lease conditions. Such approval will not in any way prejudice the Government’s right to reject building plans which are consistent with the deemed approved Application but inconsistent with other lease conditions.”

4. The reference to “tree preservation/felling/transplanting and compensatory planting” in paragraph 15 of LAO Practice Note No. 7/2007 is replaced by “tree preservation/pruning/transplanting/felling and compensatory planting”.

5. Paragraph 16 of LAO Practice Note No. 7/2007 is superseded by the following provision:

“16. The Tree Works shall be completed in accordance with the approved Conceptual Proposal and Detailed Proposal. The RLA shall, upon completion of the Tree Works, submit a report in Form 5A (at Appendix V(a) to LAO Practice Note No. 7/2007) to the relevant DLO. Compliance checking will be coordinated by LandsD.”

6. Paragraphs 17 to 20 of and Appendices V(b) and VI to LAO Practice Note No. 7/2007 are superseded by the following provisions:

“Mandatory Self-Certification of Compliance for Tree Works within Lot

17. Upon completion of the Tree Works, a self-certification of compliance ("SCC") system for all works under the Application including the Tree Works will automatically apply to the area(s) within the lot boundary of the concerned private lot. It will then be a
mandatory requirement for the RLA to inspect, check and certify whether the Tree Works have been satisfactorily completed on site in accordance with the approved or deemed approved Application. A report in Form 5A together with the RLA’s certification in Form 5B (at Appendix V(b) hereto) and the owner’s statement signed by the lot owner in the form attached to Form 5B are required to be submitted to the relevant DLO.

18. Upon receipt of Form 5B and the owner’s statement by the relevant DLO, lots (with tree preservation clause) will be entered into a register by LandsD (as defined in paragraph 3 of LAO Practice Note No. 7/2007) and randomly selected for compliance checking at a rate to be determined by LandsD from time to time having regard to the result of compliance checking of SCC prevailing at the time. If a lot is selected for checking, the RLA concerned will be notified within 14 working days from the date of receipt of the Form 5B by the relevant DLO and the Government will carry out a full compliance checking based on the information submitted before the issue of the Certificate of Compliance. The RLA will be notified of the result. Please refer to the procedure flow chart at Appendix VI hereto.

19. If the site is not selected for full compliance checking within 14 working days from the date of receipt of the Form 5B, Form 5A, owner’s statement and all the relevant information submitted in support of the completion of the Tree Works, the relevant DLO will issue a letter to the lot owner and the RLA confirming that such documents and information as submitted have been deposited in the relevant DLO and that the Tree Works within the lot are deemed to have complied with the latest approved or deemed approved Application in accordance with this Practice Note.

20. The mandatory SCC arrangements as mentioned in paragraphs 17 to 19 above do not apply to any site for which a report in Form 5A (at Appendix V(a) to LAO Practice Note No. 7/2007) has been submitted before promulgation of this Practice Note or any areas outside the lot.

20A. For sites where full compliance checking is required and the checking reveals the need for rectification works, the RLA shall submit, upon completion of all rectification works, a fresh Form 5B and a fresh
owner's statement, accompanied with a fresh Form 5A containing all
the relevant information including a report on all approved Tree Works,
photos and location plans showing all completed Trees Works on the lot,
to the relevant DLO for deposit of such information in compliance with
such conditions as imposed pursuant to the tree preservation clause.
Failure to comply with this requirement will delay processing of the
Certificate of Compliance application. For sites where full compliance
checking is required and it is not necessary to carry out any rectification
works after site inspection, the relevant DLO will issue a letter to the lot
owner and the RLA confirming that the Form 5B, Form 5A, owner's
statement and all the relevant information submitted in support of the
completion of the Tree Works have been deposited in the relevant DLO
and that the Tree Works within the lot have complied with the latest
approved or deemed approved Application in accordance with this
Practice Note."

7. All references to "Streamlined Submission Procedure" and "Form 1C
(Streamlined Submission)" throughout Form 1D (at Appendix I(d) to LAO
Practice Note No. 7/2007) are deleted.

8. All references to "Streamlined Submission" in Appendix II to LAO
Practice Note No. 7/2007 are replaced by "Deemed Approval Streamlined
Submission".

9. The words "(to be submitted at the time of applying for Certificate of
Compliance)" which appear below the heading on each page of Form 5A (at
Appendix V(a) to LAO Practice Note No. 7/2007) are deleted.

(Ms Bernadette Linn)
Director of Lands
11 July 2016

Appendices
I(c) Form 1C (to be sent by the lot owner's RLA to the relevant DLO for
application under the Deemed Approval Streamlined Submission
Procedure)
V(b) Form 5B (to be submitted after completion of the Tree Works)
VI Procedure Flow Chart for Compliance Check of Tree Works