



**Processing Building Plans for Redevelopment
under Virtually Unrestricted Government lease**

We have reviewed the administrative procedure in processing the building plans for redevelopment of a lot governed by a virtually unrestricted Government lease¹. This practice note provides guidelines to Authorized Persons (AP) in preparing the building plan submissions with a view to facilitating the processing of such submissions under the Government lease.

2. Buildings Department (BD) will refer the building plans to Lands Department (LandsD) and all interested Government departments through the centralized processing system as stated in BD's Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) ADM-2. LandsD will issue a "no objection" letter to the AP under a simplified approach if LandsD is satisfied that:-

- (a) the Government lease is virtually unrestricted;
- (b) there is no encroachment onto Government land outside the boundary of the lot; and
- (c) the use of the proposed redevelopment does not contravene the offensive trade restriction², if any, or (as the case may be) the terms and conditions of any offensive trade licence issued under the Government lease.

Notwithstanding any other provisions in this Practice Note, the decision of the Director of Lands on whether a Government lease is virtually unrestricted shall be final and binding on the AP and the owner.

3. In relation to paragraph 2(a) above, the AP is required to complete Parts I to III of the Form at Appendix II and provide the relevant District

¹ In this Practice Note, a reference to a virtually unrestricted Government lease is a reference to a Government Lease that does not contain any specific restrictions on type of development and user other than restrictions, if any, on offensive trades. A sample of virtually unrestricted Government lease is at Appendix I for reference.

² Reference may be made to the LAO Practice Note No. 6/2007 about the restriction, which is commonly referred to as "the offensive trade clause".

Lands Office (DLO) with a full set of Government lease documents and attachments thereto including but not limited to modification letters and offensive trade licences issued under the Government lease at the time of first submission of the building plans.

4. In relation to paragraph 2(b) above, the AP is required to complete Parts IV and V of the Form at Appendix II to ensure and confirm that the proposed redevelopment will not encroach onto any Government land.

5. In relation to paragraph 2(c) above, the AP is required to describe the uses of each floor for the proposed redevelopment in a Development Schedule by adopting the sample Development Schedule at Appendix III in order to satisfy the requirement referred to in Lands Administration Office (LAO) Practice Note No. APSRSE 1/94. The Development Schedule shall be attached to the Form referred to in paragraphs 3 and 4 above or incorporated in the building plans submitted to BD. The sample Development Schedule at Appendix III is based on the sample Development Schedule at Appendix I to LAO Practice Note No. APSRSE 1/94 with modifications, and is used to indicate the extent of compliance with the virtually unrestricted Government lease and with any offensive trade licence issued.

6. The simplified approach as mentioned in paragraph 2 above is only applicable to lots held under virtually unrestricted Government leases. For the avoidance of doubt, this is not applicable to cases where the relevant Government lease contains any of the following clauses or requirements:-

- (a) rights of way clause;
- (b) rate and range clause;
- (c) design, disposition and height/design and disposition clause;
- (d) requirement for the Director of Lands' approval to building plans or erection of buildings other than the existing buildings on the lot.

7. In cases where the Government lease contains any of the clauses or requirements set out in paragraph 6(a) to (d) above or the Director of Lands has decided that the Government lease is not virtually unrestricted, LandsD will inform the AP that the building plans will be processed in the usual manner. In the event that the redevelopment site contains more than one lot or one section of a lot, where any relevant Government lease is not a virtually unrestricted Government lease, the building plans will also be processed in the usual manner. In other words, the simplified approach promulgated in this Practice Note is not applicable to these cases, for which the processing time for general building plan (non-BCIII cases) under the Government lease remains as 8 weeks as stipulated in LAO Practice Note No. 5/2002.

8. In cases where part of a lot is required for the purpose of street widening, the AP may propose voluntary surrender of the private land concerned in exchange for concessions under regulation 22(2) of the Building (Planning) Regulations (Cap. 123F). In such situation, the AP should indicate such proposal in the building plan submissions and Development Schedule as well and separately approach the Acquisition Section of LandsD as mentioned in BD's PNAP APP-20. For this kind of submission, LandsD will issue a "no objection" letter to the AP subject to the compliance with the same requirements stated in paragraph 2 above and the acceptance of the voluntary surrender by Acquisition Section of LandsD and the relevant government departments.

9. It must be noted that nothing in this Practice Note shall in any way fetter or affect the rights of the Government, the Director of Lands and their officers under the relevant Government lease or the Government's rights as lessor/landlord, and all such rights are hereby reserved, and that nothing in this Practice Note including any words and expressions used shall in any way affect or bind the Government regarding interpretation of the terms and conditions of the relevant Government lease.

(Ms Bernadette Linn)
Director of Lands
12 April 2017

Appendices