

Building (Planning) Regulation 22(2)Building Proposals affected by Street Widening

When part of a lot is to be acquired by the Crown for the purpose of street widening, the owner may be given one or a combination of the following forms of compensation:-

- (a) Cash settlement (negotiated by the Lands Department)
- (b) An exchange of land (negotiated by the Lands Department)
- (c) Concessions under Building (Planning) Regulation 22(2)

2. In the event of (c) being adopted, the interpretation of Building (Planning) Regulation 22(2) will be of concern to land owners and authorised persons and its implications will require to be ascertained on other related Building (Planning) Regulations. It is for the purpose of avoiding doubt that this Practice Note is issued so that you may acquaint yourself and your clients with the method by which compensation in terms of development potential may be quantified.

3. In considering whether or not to permit the concessions under Building (Planning) Regulation 22(2), I shall be prepared, subject to paragraph 4 below and to the provisions of Building (Planning) Regulation 23(2)(a), to accept the part or parts of a lot required for street widening to count also as 'site area', in respect only of the first building subsequently erected on the reduced site area, for the purposes of arriving at the permitted plot ratio and site coverage for the building.

4. The statement in paragraph 3 above is made with the proviso that:-

- (a) all claims for concessions under the Regulation will be dealt with individually according to the special circumstances of each case;
- (b) the additional plot ratio referred to in Building (Planning) Regulation 22(2)(b) may only be given where I am satisfied that the density of the development or redevelopment is not excessive;
- (c) a separate block plan (in quadruplicate) indicating the area to be surrendered accompanies the building plan submission claiming concessions under Building (Planning) Regulation 22(2);
- (d) the building plans are suitably endorsed to indicate the area to be surrendered;
- (e) a formal agreement to surrender is executed to the satisfaction of the Registrar General (Land Officer).

5. With regard to other planning requirements such as street shadow area and open space under Building (Planning) Regulations 16 and 25 respectively, a similar principle may be used, i.e. in the case of the former, the existing width of the street may be taken and in the latter case, the setback area may count as open space where it is at the side or rear of a building.

6. Having established at the time of submitting building plans to the Building Authority for approval that your client's lot is affected by street widening proposals, you are advised at the same time to submit a set of those plans to the Chief Estate Surveyor/Acquisition, Lands Department. The purpose of this procedure is to enable Lands Department the earliest opportunity to consider the method adopted in your proposals for achieving compensation in terms of development potential.

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(J. Lei)
Building Authority

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