



Buildings Department



Lands Department



Planning Department

Joint Practice Note No. 4

Development Control Parameters

Introduction

This joint practice note promulgates the practices adopted by the Buildings Department (BD), Lands Department (LandsD) and Planning Department (PlanD) in respect of some development control parameters that are commonly encountered in the development process.

Practices amongst BD, LandsD and PlanD

2. Those development control parameters that the three departments have broadly adopted similar practices in the past, subject to certain qualifications, are set out in the attached Appendix A.
3. It must be noted that the BD, LandsD and PlanD are acting in different capacities and exercising different functions, powers and rights under the respective Ordinances and Government Lease under their respective purview. Any functions, powers or rights exercised by any one of these departments shall not in any way affect the functions, powers and rights of any of the others.
4. In general, in processing building plans submission, PlanD would follow BD's practice in GFA calculation and granting of GFA concessions, subject to specific provisions in relevant statutory plans.
5. Owing to the variance of development parameters between individual leases and properties, each case will be considered on its own merit by LandsD.

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6. This joint practice note is applicable 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 1 April 2011. Subject to paragraph 7 below, this joint practice note is also applicable to building plans which have been previously disapproved and are resubmitted for approval on or after 1 April 2011.

7. For building plans which have been firstly submitted on or before 31 March 2011 and subsequently disapproved by the BA but not on ground relating to proof of ownership or realistic prospect of control of the land forming the site, the first resubmission of such plans to the BA on or after 1 April 2011, which is submitted within 6 months from the date of disapproval of the firstly submitted plans, would not be subject to the requirements of this joint practice note. For the avoidance of doubt, if such first resubmission of plans eventually has been disapproved by the BA, any further resubmission of the plans would be subject to the requirements of this joint practice note.

8. Subject to section 16(3)(d) of the BO, building plans approved by the BA prior to the implementation of this joint practice note should make reference to the "November 2008" version of this joint practice note (Appendix B).

9. It must be further noted that nothing in this joint practice note (for the avoidance of doubt, including all its appendices) shall in any way fetter or affect the rights of the Government, the Director of Lands and their officers under the Government Lease or their rights as lessor/landlord, who are exercising such rights in the capacity of a lessor/landlord and who hereby reserve all such rights, and that nothing in this joint practice note (for the avoidance of doubt, including all its appendices) including any words and expressions used shall in any way affect the interpretation of the terms and conditions of the Government Lease.

(AU Choi-kai)
Building Authority

(Annie TAM)
Director of Lands

(Jimmy C F LEUNG)
Director of Planning

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Appendix A

(JPN 4)

Development Control Parameters on which BD, LandsD and PlanD Adopted Similar Practices Broadly

| Items | BD | LandsD ¹ | PlanD |
|---|--|--|--|
| Gross Floor Area (GFA) calculation | | | |
| Public transport terminus | All PTT should be accountable for GFA unless otherwise provided for in the relevant statutory town plan or covered by planning approval. | All PTT shall be accountable for GFA unless otherwise provided for in the lease. | All PTT should be accountable for GFA unless otherwise provided for in the relevant statutory town plan or covered by planning approval. |
| Government Accommodation (to be handed over to Government) other than public transport terminus | Accountable for GFA. | Shall be accountable for GFA unless exemption is specifically provided for in the lease. | Accountable for GFA unless otherwise provided for in the relevant statutory town plan or covered by planning approval. |
| Covered public carpark | Accountable for GFA. | Shall be accountable for GFA unless exemption is specifically provided for in the lease. | Accountable for GFA. |

| Items | BD | LandsD ¹ | PlanD |
|---|--|---|---|
| Covered private carparking space, loading and unloading bay | <p>50% or 100% GFA concession may be granted for above-ground or underground carparks respectively subject to:</p> <ul style="list-style-type: none"> • compliance with the relevant criteria laid down in PNAP APP-2 and APP-111 and the design to the satisfaction of the BA; and • provision not excessive with reference to HKPSG or requirements stipulated by the Commissioner for Transport. | Subject to the provisions in the lease conditions, these spaces or some of them may not be accountable for GFA. | Follows BD's practice on 50% or 100% GFA concession for ancillary facilities in line with HKPSG or requirements stipulated by the Commissioner for Transport. |
| Lobbies in carparking floors | <p>50% or 100% GFA concession may be granted for lobbies serving above-ground or underground carparks respectively subject to:</p> <ul style="list-style-type: none"> • in the case of underground carparks, if the lobby is located above-ground and solely serves the underground carpark, 100% GFA concession may be granted; • the area involved is of a reasonable size; • the whole part of the floor served by the lobby concerned does not have accountable GFA; and • the lobby is not serving as an access to the development (PNAP APP-2 refers). | Subject to the provisions in the lease conditions, BD's practice may be followed and in case of doubt, reference should be made to LandsD Practice Note No. APSRSE 1/98(A). | Follows BD's practice. |

| Items | BD | LandsD ¹ | PlanD |
|---|--|---|---|
| Covered walkways for residential developments | <p>Open-sided covered walkways may be exempted from GFA calculation subject to:</p> <ul style="list-style-type: none"> • compliance with the criteria laid down in PNAP APP-42; and • compliance with the pre-requisites for and overall cap on GFA concessions laid down in PNAP APP-151². | <p>May follow BD's practice and in case of doubt, reference should be made to LandsD Practice Note No. APSRSE 1/98(A).</p> | <p>Follows BD's practice unless otherwise specified in relevant town plan.</p> |
| Residential recreational facilities | <p>May be exempted from GFA calculation subject to:</p> <ul style="list-style-type: none"> • compliance with the criteria laid down in PNAP APP-104; and • compliance with the pre-requisites for and overall cap on GFA concessions laid down in PNAP APP-151. | <p>May be exempted from GFA calculation subject to compliance with the criteria laid down in LandsD Practice Note No. 4/2000(A) and the provisions in the lease conditions.</p> | <p>May be exempted from GFA calculation if provided for in the relevant statutory town plan or covered by planning approval.</p> <p>On the treatment of residential recreational facilities, generally follows BD's practice.</p> |
| Open flat roofs | <p>Not accountable for GFA.</p> | <p>May not be accountable for GFA in situations of reasonable building set-backs.</p> | <p>Not accountable for GFA.</p> |

¹ The question of GFA accountability is only relevant for lease conditions which contain a reference to maximum permissible GFA. LandsD acts in the capacity as landlord reserves its rights in dealing with matters referred to in this Appendix.

² Covered walkways for residential developments may be excluded from the overall cap on GFA concessions subject to provision of greenery to BA's satisfaction as stipulated under PNAP APP-42.

Appendix B
(JPN4)

Development Control Parameters on which BD, LandsD and PlanD Adopted Similar Practices Broadly

| Items | BD | LandsD ¹ | PlanD |
|---|--|---|--|
| Gross Floor Area (GFA) calculation | | | |
| Public transport terminus | All PTT should be accountable for GFA unless otherwise provided for in the relevant statutory town plan or covered by planning approval. | All PTT should be accountable for GFA unless otherwise provided for in the lease. | All PTT should be accountable for GFA unless otherwise provided for in the relevant statutory town plan or covered by planning approval. |
| Government Accommodation (to be handed over to Government) other than public transport terminus | Accountable for GFA. | Accountable for GFA unless exemption is specifically provided for in the lease. | Accountable for GFA unless otherwise provided for in the relevant statutory town plan or covered by planning approval. |
| Covered public carpark | Accountable for GFA. | Accountable for GFA. | Accountable for GFA. |
| Covered private carparking space, loading and unloading bay | Not accountable for GFA subject to: <ul style="list-style-type: none"> • design to the satisfaction of the BA; and • provision not excessive with reference to HKPSG or requirements stipulated by the Commissioner for Transport. | Not accountable for GFA subject to: <ul style="list-style-type: none"> • provision not exceeding the minimum requirements stipulated in lease conditions; and • design to the satisfaction of the Director of Lands/Commissioner for Transport. | Ancillary facilities in line with HKPSG or requirements stipulated by the Commissioner for Transport will be exempted. |

| Items | BD | LandsD ¹ | PlanD |
|---|---|--|--|
| Lobbies in carparking floors | Not accountable for GFA if the whole part of the floor served by the lobby concerned does not have accountable GFA, and the lobby is not provided at the level(s) of the street(s) to serve as main access to the development (PNAP 13 refers). | Follow BD's practice and in case of doubt, reference should be made to LandsD Practice Note No. APSRSE 1/98. | Follows BD's practice. |
| Covered walkways for residential developments | Open-sided covered walkways may be exempted from GFA calculation subject to compliance with the criteria laid down in PNAP 116. | Follow BD's practice and in case of doubt, reference should be made to LandsD Practice Note No. APSRSE 1/98. | Follows BD's practice. |
| Recreational facilities | May be exempted from GFA calculation subject to compliance with the criteria laid down in PNAP 229. | May be exempted from GFA calculation subject to compliance with the criteria laid down in LandsD Practice Note No. 4/2000. | May be exempted from GFA calculation if provided for in the relevant statutory town plan or covered by planning approval. On the treatment of recreational facilities, generally follows BD's practice. |
| Open flat roofs | Not accountable for GFA. | Not accountable for GFA in situations of reasonable building set-backs. | Not accountable for GFA. |

¹ The question of GFA accountability is only relevant for lease conditions which contain a reference to maximum permissible GFA.