

**Landlord and Tenant (Consolidation) Ordinance, Cap. 7  
Demolished Buildings (Re-development of Sites) Ordinance, Cap. 337**

**Validity of Approved Plans**

Approved plans forming the basis of an Exclusion Order under the Landlord & Tenant (Consolidation) Ordinance are normally excluded by Buildings Ordinance section 16(3A) from the application of Buildings Ordinance section 16(3)(d). Consent applied for after more than two years of approval will be given if it is still practical for the work to be completed within the Re-development Order period.

**Material Variation**

2. For a project affected by an Exclusion Order, amendments as follows to the approved plans would be deemed to be a "material variation" :

- (a) a reduction in floor space of more than 10%; or
- (b) a change in use of any part of the proposed building; or
- (c) the involvement of other premises also subject to the Landlord and Tenant (Consolidation) Ordinance (e.g. by extension of the project).

The authorized person (or his client's solicitors) must apply to the Lands Tribunal (Registrar, Lands Tribunal, Wanchai Law Courts, Wanchai Tower, 12 Harbour Road, Hong Kong) for an amending Exclusion Order.

3. Any approval given by the Building Authority under the Buildings Ordinance does not imply that the plans will also be accepted under the Landlord and Tenant (Consolidation) Ordinance.

**Penalty-Free Extension**

4. In case of delays to commencement of building works by the date laid down in an Exclusion Order, penalty-free extension of one month may be granted by the Building Authority upon request before expiry of the commencement period.

5. Examples of circumstances which may justify penalty-free extensions are :
- (a) inability to obtain vacant possession, subject to the applicant having commenced legal proceedings and pursuing such proceedings with due diligence;
  - (b) inability to obtain entry to adjacent property to construct adequate shoring or other precautionary works required; and
  - (c) inability to obtain consent to commence demolition works for other reasons beyond the control of the applicant.

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