

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

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

- (a) Bonus plot ratio and/or site coverage under Building (Planning) Regulation 22(2).
- (b) Cash settlement (negotiated by the Lands Department).
- (c) An exchange of Land (negotiated by the Lands Department).

2. In the event of (a) being adopted, the interpretation of Building (Planning) Regulation 22(2) will be of concern to land owners and authorized persons (APs) 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 APs may acquaint themselves and the owners with the method by which compensation in terms of development potential may be quantified.

3. In considering whether or not to permit the bonus under Building (Planning) Regulation 22(2), the Building Authority will be prepared, subject to paragraph 4 below and 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 bonus 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 the Building Authority is satisfied that the density of the development or redevelopment is not excessive;

/(c)

- (c) a separate block plan (in quadruplicate) indicating the area to be surrendered accompanies the building plan submission claiming bonus under Building (Planning) Regulation 22(2);
- (d) the building plans are suitably endorsed to indicate the areas to be surrendered; and
- (e) a formal Agreement to Surrender to the satisfaction of Lands Department is executed and registered in the Land Registry.

5. With regard to Building (Planning) Regulation 25, a similar principle may be used, i.e. 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 for approval, that the lot concerned is affected by street widening proposals, APs 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 provide the earliest opportunity to consider the proposed method adopted for achieving compensation in terms of development potential.

Agreement to Surrender

7. A temporary occupation permit or an occupation permit will not be issued before the execution of an Agreement to Surrender incorporating all the relevant terms and conditions. AP should remind the owners for early preparation and execution of the required Agreement.

(AU Choi-kai)
Building Authority

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