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To: All Authorized Persons
Registered Structural Engineers
Registered Geotechnical Engineers

29 July 2013

Dear Sir / Madam,

Application for Approval of Building Plans - Proof of Ownership of Land

I refer to my letter of 20 October 2010 (2010 Circular Letter) regarding the requirement for submission of particulars and documentary proof of ownership or realistic prospect of control of the land forming the site (the ownership proof), when submitting new general building plans of any proposed new building for approval under the Buildings Ordinance (BO) (Cap. 123).

In response to enquiries on what will constitute a “new building”, the Building Authority will refer to the definition provided in section 2 of the BO. For example, if an extra storey is proposed to be erected on top of an existing 5-storey building, the extra storey to be added to the existing building is a “new building”. Similarly, a horizontal extension outside the dimensions of an existing building will result in additional floor area and constitute a new building. Alteration and addition (A & A) works within the dimensions of an existing building including alteration of the external walls may also result in a new building. It depends on the volume of the existing building that is to be rebuilt and the superficial area of the main walls that is to be reconstructed (such main walls should include all the structural walls and external walls of the existing building).

When submitting new general building plans for any proposed A&A works to an existing building on or after **30 July 2013**, the applicant is required to submit ownership proof of the land forming the site in accordance with the 2010 Circular Letter, if the proposal will involve the erection of a new building. In this connection, the Incorporated Owners of a building will be accepted as having a realistic prospect of control of the land forming the site for the A & A works for the construction of a new building in an area designated as common parts in a Deed of Mutual Covenant or falling within the definition of “common parts” under the Building Management Ordinance (Cap. 344). Furthermore, the Building Authority is prepared to exempt the requirement for submission of ownership proof, if such new building is not accountable for gross floor area and site coverage under Regulations 20 and 21 of the Building (Planning) Regulations, such as a new staircase enclosure on an existing roof.

Upon completion of the A & A works resulting in a new building, a certificate on completion of building works resulting in a new building and an application for permit to occupy such building (i.e. Form BA12 or BA13) should be submitted in accordance with Regulation 25 of the Building (Administration) Regulations and section 21 of the BO. The new building should not be occupied unless an occupation permit or a temporary occupation permit has been issued by the Building Authority in accordance with section 21(1) of the BO. If the A & A works proposal involves both the construction of a new building and A & A works to other parts of the existing building, a separate certificate on completion of building works not resulting in a new building (Form BA14) should be submitted.

Yours faithfully,

(YU Tak-cheung)

Assistant Director / New Buildings 1
for Building Authority