

27 September 2021

To: All Authorized Persons
Registered Structural Engineers
Registered Geotechnical Engineers

Dear Sir/Madam,

**Application for Approval of General Building Plans
Proof of Realistic Prospect of Control of the Land Forming a Site**

Further to my letter of 29 June 2017 regarding the submission of documentary proof to the Building Authority (BA) from an applicant for approval of general building plans to demonstrate having realistic prospect of control of the land forming a site¹, a review on this issue has been conducted recently. While the BA will consider, as always, all relevant information relating to a particular application provided by an applicant, to enhance transparency and certainty, this Circular Letter serves to promulgate a list of typical acceptable situations as indications of such realistic prospect of control in the Appendix.

2. To promote green environment and encourage paperless submission, authorized persons (AP) are strongly advised to submit bulky documentary proof such as particulars of ownership records from the Land Registry in a non-rewriteable CD-ROM in ISO 9660 format (i.e. CD format) or non-rewriteable DVD-ROM in ISO/IEC 13346:1995 format (i.e. DVD format). The title of the submission, site address, name of the appointed AP, Buildings Department reference number (if available), and disc number should be printed on the cover of the CD/DVD which should be signed by the AP. The electronic files in the CD/DVD should be in Adobe Portable Document Format, including an index file listing the content of the files in the subject CD/DVD.

Yours faithfully,



(CHEUNG Yuk-ching, Karen)
Assistant Director / New Buildings 1
for Building Authority

¹ The site of a proposed building for the purposes of the Buildings Ordinance (Cap. 123) can only include land which the applicant for approval of general building plans owns or which the applicant has a realistic prospect of controlling.

**Typical Acceptable Situations as Indications of
Realistic Prospect of Control of the Land Forming a Site**

- (a) The applicant has been authorised to submit plans by the owners currently registered in Land Registry (LR).
- (b) The applicant is one of the registered lot owners according to LR records and has been authorised to submit plans by all other owners.
- (c) The District Lands Conference of the Lands Department (LandsD) has in-principle approved the land grant or the like to the applicant.
- (d) A government department/bureau has in-principle approved a licence or the like to the applicant.
- (e) The applicant has accepted the basic terms by LandsD for the land grant or has settled the administrative fee for land exchange being processed by LandsD.
- (f) The applicant has leased the land forming the site from the registered lot owner who has authorised the applicant to develop the site.
- (g) For proposed alteration and addition works involving construction of a new building at the common parts of an existing building, the applicant is the Incorporated Owners of the building.
- (h) The applicant has entered into a provisional sale and purchase agreement with non-revocable binding obligations imposed on both sides to complete the sale and purchase with all registered lot owners.
- (i) The applicant has acquired adequate ownership entitling him to make a compulsory sale order application under the Land (Compulsory Sale for Redevelopment) Ordinance, irrespective of whether such application has been or will be made¹.

¹ The authorized person should ensure the prevailing threshold for compulsory sale order has been met and submit: (a) a solicitor's letter confirming the percentage of ownership of the site acquired by the applicant, and (b) the required documentary proof of the ownership acquired (e.g. relevant LR records) upon submission of the general building plans (GBP). In connection with the approval of the GBP, the Building Authority (BA) may grant a modification of regulations 20 and 21 of the Building (Planning) Regulations on a "notional site" basis for the proposed development project subject to the condition of a two-years non-renewable time limit. After expiry of the time limit, the applicant should submit the development proposal to the BA for processing afresh under the Buildings Ordinance so that any changes in circumstances would be taken into consideration.