

To: All Authorized Persons
Registered Structural Engineers
Registered Geotechnical Engineers

20th October, 2010

Dear Sir/Madam,

(1) Application for Approval of Building Plans - Proof of Ownership of Land
(2) Validity Period of Modification / Exemption

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

The Building Authority has always taken the stance that the site of a proposed building for the purpose of the Buildings Ordinance (the Ordinance) can only include land which the applicant owns or which he has a realistic prospect of controlling. To facilitate the Building Authority to consider whether this requirement is satisfied, the applicant is required to submit a Form BA5, as attached, and particulars of ownership or realistic prospect of control of the land forming the site, together with the required documentary proof, when submitting new general building plans of any proposed new building on or after 21st October 2010.

Depending on the facts in each case, the failure to provide the particulars or documentary proof as mentioned above may lead the Building Authority to refuse to give his approval of the plans under section 16(1) of the Ordinance.

Validity Period of Modification/Exemption

In connection with the approval of plans, modification of or exemption from the provisions of the Ordinance may be granted on application. Section 42(3) of the Ordinance provides that "*A permit granted under this section may contain such conditions as the Building Authority shall deem necessary*".

As the modification or exemption is granted after consideration of special circumstances which may change with time, the Building Authority takes the view that a time limit, generally speaking 2 years, should be imposed as a condition in the permit (Form BD106) when granting modifications or exemptions under section 42 of the Ordinance. Amendment plans based on any previously approved plans in relation to which modifications or exemptions have expired may be refused under section 16(1)(d) of the Ordinance. Likewise, application for consent to commence the building works shown in such previously approved plans may be refused under section 16(3)(d) of the Ordinance.

The above measure is applicable to all types of plans involving the granting of modifications or exemptions under the Ordinance, which are submitted on or after 21st October 2010.

Yours faithfully,



(HO Kwok-hung)
Assistant Director/New Buildings 1
for Building Authority

BUILDINGS ORDINANCE
(Chapter 123)
Section 14(1)(a)
BUILDING (ADMINISTRATION) REGULATIONS
Regulation 18A & 29

**Application for approval of plans of *building works
and/or street works and certificate of preparation of plans**

To the Building Authority

Application for approval of plans

In accordance with the provisions of section 14(1)(a) of the Buildings Ordinance and regulation 29 of the Building (Administration) Regulations, *I/we (name in full) _____(Chinese) _____ of (address) _____

Telephone No. _____, Fax No. _____ holder of *HKID No./Business Registration Certificate No. _____, apply for your approval of the (here specify the type of plans) _____ plans submitted herewith for the works to be carried out at the site located at (address of site) _____

_____ on (Lot No.) _____

The said plans have been prepared by (name in full) _____, (Chinese) _____, *authorized person/registered structural engineer/registered geotechnical engineer, the appointment of whom has been notified to you in the Form BA 4 submitted on _____.

In respect of the aforesaid site of the proposed works, *I/we submit the following documentary proof of ownership or control of the land for your processing of plans:-

- Copy of the relevant Land Registry Memorial and assignment plans (with Memorial Number and date) to indicate the ownership, or
- Other documentary proof of control of the land, please specify _____.

* Delete where inapplicable

Put a tick against the box where appropriate

Declaration

I/We hereby expressly warrant and declare that the above information provided in support of my/our submission of plans for approval by the Building Authority is correct and genuine and I/we expressly acknowledge that I am/we are aware and accept that the approval of the plans will be made on the basis of the information supplied by me/us and that plans may be refused in the event such information is found to be false or misleading.

I/We further expressly acknowledge that the personal data provided by me/us in this Application Form will be used by the Buildings Department in connection with the processing of my/our said application.

I/We understand that if I/we do not provide sufficient information, Buildings Department may not be able to process my/our application.

I/We hereby authorize the Buildings Department to disclose my/our personal data in the application form to such Government Departments as it may see fit to obtain such information which is relevant to my/our application.

I/We further authorize and direct and request any Government Department which may be approached by the Buildings Department, to supply any and all information which it may require.

Date _____

Signature of the Applicant

Certificate of preparation of plans

In accordance with the provisions of regulation 18A of the Building (Administration) Regulations, I certify that :

- (1) the *plans, structural and geotechnical details and calculations attached relating to the above *building works and/or street works have been prepared by me or under my supervision or direction and have been signed by me as required by regulation 12 of the Building (Administration) Regulations; and
- (2) to the best of my knowledge and belief, the attached *plans, structural and geotechnical details and calculations comply in all respects with the provisions of the Buildings Ordinance and Regulations.

Date _____

Signature of *authorized person

(Name in full)

Certificate of Registration No. : _____

Date of expiry of registration : _____

Date _____

*Signature of registered structural engineer
(For structural details and calculations
and/or structural elements of the works only)

(Name in full)

Certificate of Registration No. : _____

Date of expiry of registration : _____

Date _____

*Signature of registered geotechnical engineer
(For geotechnical details and calculations and/or
geotechnical elements of the works only)

(Name in full)

Certificate of Registration No. : _____

Date of expiry of registration : _____