



**Buildings Department**



**Lands Department**



**Planning Department**

Joint Practice Note No. 6

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## **Sustainable Building Design Guidelines: Building Separation and Building Setback**

### **Introduction**

This joint practice note (JPN) promulgates the streamlined measures to be adopted by the Buildings Department (BD), Lands Department (LandsD) and Planning Department for checking compliance with the building separation and building setback requirements under the Sustainable Building Design (SBD) Guidelines.

### **SBD Guidelines**

2. SBD Guidelines cover building separation, building setback and site coverage of greenery (SCG) requirements. To promote a quality and sustainable built environment, the Government has been applying SBD Guidelines to development projects by way of including such requirements, where applicable, as (a) lease conditions of new land sale sites or lease modifications/land exchanges; (b) advisory clauses in granting planning permission under the Town Planning Ordinance; and (c) pre-requisites for obtaining gross floor area (GFA) concessions under the building control regime. BD has also set out the detailed requirements under the SBD Guidelines through its Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152.

3. For SCG requirements, streamlined arrangements have already been promulgated vide JPN No. 3.

### **Streamlined Measures**

4. Under the streamlined arrangement, BD is the sole authority to interpret the building separation and building setback requirements under the SBD Guidelines, to accept the relevant proposals and to check compliance upon completion of the private

development according to PNAP APP-152, irrespective of how the requirements have kicked in (as a requirement under the lease or pre-requisite for GFA concession under the building control regime). Under the streamlined arrangement, the Authorized Person<sup>1</sup> (AP) should demonstrate and certify on the General Building Plan (GBP) submission compliance with the building separation and building setback requirements to the satisfaction of BD as per PNAP APP-152. Separate submission on these two SBD requirements to LandsD will not be required.

5. Specifically, for the building separation and building setback requirements under the SBD Guidelines in **new or modified** leases<sup>2</sup>, the Director of Buildings will be named as the approving authority in the relevant clauses to the effect that the requirements will be regarded as having been satisfied upon BD's acceptance of the building separation and building setback proposal included in the GBP submission to BD. The SBD clauses on building separation and building setback in the relevant leases would be regarded as being complied with only if the proposed development is completed according to PNAP APP-152 and to the satisfaction of the BD. Any subsequent alteration and addition proposal to the completed development involving the two SBD requirements shall also be to the satisfaction of BD. Otherwise, such SBD requirements clauses under the lease would not be regarded as being complied with.

6. As regards the building separation and building setback requirements specified in **existing leases** under which the Director of Buildings is not named as the authority, as an alternative, LandsD is prepared to regard the building separation and building setback proposal shown on the GBP as accepted by BD according to PNAP APP-152 to be in compliance with the building separation and building setback requirements under the SBD Guidelines under lease. If the proposal does not meet the prescriptive requirements, the lot owner may seek written approval or consent from LandsD under the respective clause of the lease. Such consent application under the building setback clause, if approved, will be subject to terms and conditions including payment of premium and administrative fee deemed appropriate.

7. Notwithstanding paragraphs 5 and 6 above, there may be occasions when developments under new leases have to be subject to more stringent requirements on building separation and/or building setback than those prescribed under PNAP APP-152 on the request of another bureau or department (B/D) with specific concern or subject to studies to accomplish specific urban design objectives. In such cases, the building separation and/or building setback proposal should still be computed and shown on the GBP submission. BD would offer comment on the proposal according

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<sup>1</sup> Authorized Person as defined under the Buildings Ordinance (Cap. 123).

<sup>2</sup> All references to "lease" in this JPN shall include Government Lease or Conditions of Sale/ Grant/ Exchange, etc. (as the case may be) and "lease" shall be construed accordingly.

to the parameters under PNAP APP-152, while the concerned B/D as specified in the relevant clauses would be responsible for checking and deciding if the proposal is acceptable both at design and completion stages.

### **Miscellaneous**

8. It must be noted that this JPN shall not in any way fetter, affect or prejudice the rights of the Government, the Director of Lands and their officers under the leases or the Government's rights as lessor/landlord, and all such rights are hereby reserved. Nothing in this JPN (including any words and expressions used) shall in any way be construed as any waiver of any provisions under the leases or affect or bind the Government regarding the interpretation or enforcement of the terms and conditions of the leases or otherwise.

### **Effective Date**

9. This JPN takes effect from 15 October 2019. All rights to modify the whole or any part of this JPN are hereby reserved.

( CHEUNG Tin-cheung )  
Director of Buildings

( Thomas CHAN )  
Director of Lands

( Raymond LEE )  
Director of Planning

Ref: BD GR/1-125/6/0  
LD BP/7-4/16/5  
TPB/C/TPB/35

First issued September 2019