

**Exemption Criteria for Site Formation Works  
associated with Exempted Building Works in the New Territories**

**General**

1. The Buildings Ordinance (Application to the New Territories) Ordinance, Cap. 121, makes provisions for the issue of a certificate of exemption from sections 4, 9, 14, 21 and 30 of the Buildings Ordinance and the Building Regulations for certain building works in the New Territories.

2. Where such exemption is granted, provision is also made in section 6(a) for the issue of a certificate of exemption in respect of site formation works. This practice note describes the criteria for the issue of a certificate of exemption by Director of Lands for these site formation works.

**Certificate of Exemption for Site Formation Works**

3. The issue of certificate of exemption for site formation works will only be considered by the relevant District Lands Officer when **all** the criteria listed below have been met:

- (a) The maximum gradient across the lot from boundary to boundary is not more than 15 degrees.
- (b) The overall gradient of an area bounded by lines 10m outside the lot boundary in any direction is less than 15 degrees.
- (c) There is no slope within the area 10m outside the lot boundary steeper than 30 degrees or higher than 1.5m.
- (d) There is no retaining wall or terrace wall either within the lot or within the area 10m outside the lot which is higher than 1.5m.

**Conditions of Exemption**

4. A certificate of exemption for site formation works would be issued with the following conditions:

/(a) No ....

- (a) No retaining walls or terrace walls higher than 1.5m shall be constructed. The combined height of retaining wall and slope constructed shall also not exceed 1.5m.
- (b) The retaining height to breadth ratio of retaining walls constructed shall not be greater than two. The retaining walls shall be constructed of masonry or concrete.
- (c) No slopes steeper than 30 degrees nor higher than 1.5m shall be constructed.

### **Requirement for Site Formation Submissions**

5. In the event that the above exemption criteria or the associated conditions cannot be met, the prescribed plans for site formation works shall be submitted to the Buildings Department in the normal way.

(CHOI Yu-leuk)  
Building Authority

Ref. : BD GP/BORD/1

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**Criteria for Granting Exemption of Site Formation Works**

- (a) The maximum gradient across the lot from boundary to boundary is not more than 15 degrees.
- (b) The overall gradient of an area bounded by lines 10m outside the lot boundary in any direction is less than 15 degrees.
- (c) There is no slope within the area 10m outside the lot boundary steeper than 30 degrees or higher than 1.5m.
- (d) There is no retaining wall or terrace wall either within the lot or within the area 10m outside the lot which is higher than 1.5m.

**Conditions to be Included in the Certificate of Exemption for Site Formation Works**

- (a) No retaining walls or terrace walls higher than 1.5m shall be constructed. The combined height of retaining wall and slope constructed shall also not exceed 1.5m.
- (b) The retaining height to breadth ratio of retaining walls constructed shall not be greater than two. The retaining walls shall be constructed of masonry or concrete.
- (c) No slopes steeper than 30 degrees nor higher than 1.5m shall be constructed.

**Conditions to be Included in the Certificate of Exemption for Building Works**

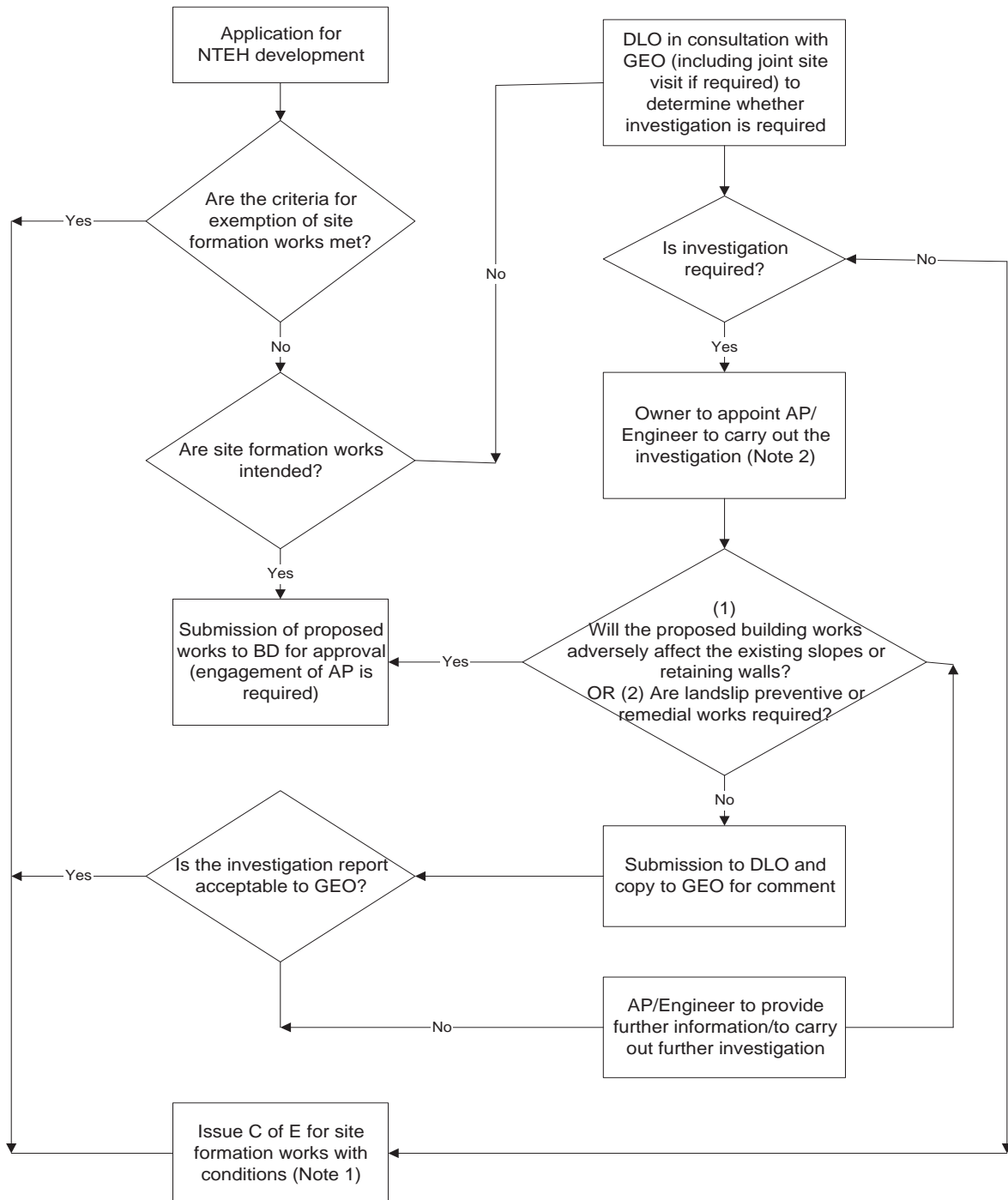
- (a) All retaining walls are excluded from this exemption and are classified as site formation works.
- (b) Any structure retaining earth or fill is considered to be a retaining wall.
- (c)\* An investigation of the stability of the existing slopes/retaining walls\* is required.

\* Delete as appropriate.

Ref. : INST:6.4

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### Flow Chart Showing Procedures for Handling Site Formation Works Associated with NTEHs Development



- Notes :**
1. See Appendix A for the conditions to be included. These requirements should be included in the C of E for Building Works as the third condition.
  2. DLO to prepare ground features report to determine whether criteria for exemption of site formation works are met and for subsequent referral to GEO for advice.