

Dedication of Land/Area for Use as Public Passage

Purpose

This practice note sets out the general guidelines on proposals to dedicate land or area within a building for use as public passage and the concessions which the Building Authority (BA) may grant upon acceptance of such dedication.

Dedications

2. The BA has the discretionary power to grant concessions in the form of exemption of certain floor areas from the gross floor area (GFA) calculations and in the form of additional plot ratio and site coverage in exchange for dedication of land or area for use as public passage. Proposals for dedication usually fall into one of the following two categories:-

(i) **Dedication of set back area at street level for the purpose of public passage**

The permitted site coverage and plot ratio for the building may be exceeded to an extent calculated in accordance with Building (Planning) Regulations (B(P)R). The maximum additional plot ratio thus approvable is five times the area so dedicated or 20% of the permissible plot ratio, whichever is the less. In addition, the BA may exempt areas accepted as dedicated for use as public passage from GFA calculations.

(ii) **Dedication of an area within or through a building at ground level or other floor levels for public passage**

The BA may in return for this type of dedication allow the concessions by way of granting modifications of the relevant B(P)R provisions. The extent of the concessions, which may be granted by the BA according to individual merits, ranges from exempting the dedicated area from GFA calculations to allowing bonus plot ratio and site coverage for the development. Normally the bonus site coverage, if allowed, will be equivalent to the extent calculated in accordance with B(P)R 22(1). The maximum bonus plot ratio, in terms of additional GFA, generally will be at multiples of the dedicated area (five times for dedicated area at ground level and two times for areas at other floor levels) subject to the total bonus in return for the dedication not to exceed 20% of the permissible plot ratio with the dedicated area being exempted from accountable GFA.

General Guidelines

3. To provide a greater degree of certainty to authorized persons and developers when they submit applications for concessions in return for dedication of land or area within a building for use as public passage, the following guidelines on the provision of public passages are provided for general reference.

4. B(P)R 22(2) provides for additional plot ratio and site coverage in return for surrender for the purpose of street widening. Hence public passages intended for street widening shown on town plans or other street improvement plans would be considered in the context of B(P)R 22.

5. Where bonus plot ratio and site coverage are given in return for dedication of land for public passage, the resultant development intensity shall not exceed the restrictions, if any, stipulated in the statutory town plan unless otherwise provided in the said plan.

6. The Building Authority may accept dedication of land or area within a building for public passage if such dedication will lead to:

- (a) alleviation of congestion problems of vehicular or pedestrian traffic on public roads or walkways;
- (b) linkage with a footbridge/subway or proposed footbridge/subway which is or will be readily accessible to and used by the general public, and such linkage would significantly enhance public safety or convenience;
- (c) improvement of road safety or significant enhancement of public convenience; or
- (d) provision of suitable greenery compatible with the use of the proposed public passageway.

7. All applications for dedication should be accompanied by suitable justification to demonstrate that there is a genuine need by the public for such dedication and the dedicated areas are reasonable in the circumstances to cater for the need. In general, upon acceptance of a proposed dedication of land or area within a building for public passage as desirable, the BA may exempt such land or area from GFA calculations. However, bonus plot ratio and site coverage for the development will only be allowed if such dedication is considered to be essential by government, taking into account alternative public passages available in the vicinity.

8. Where the dedicated area within a building serves both the public and the users of the building, the amount of exempted GFA and/or bonus GFA will be assessed by taking into account the proportion of traffic generated by the public and the users of the building.

Display of Notices

9. In all cases, the responsibility for the provision, maintenance and repair of the dedication areas will rest with the building owners. For greater transparency, notices advising the public of the dedication of the area for use as public passage, the opening hours of such a public passage and the party responsible for the management of the area should be displayed in conspicuous locations of the area to the satisfaction of the BA. Such responsibility for the display of notices, maintenance and repair will be made a condition of dedication.

Deed of Dedication

10. A temporary occupation permit or an occupation permit will not be issued before the execution of a Deed of Dedication incorporating all the relevant terms and conditions and until all these terms and conditions have been fulfilled. APs should remind their clients for early preparation and execution of the required Deed.

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Ref: BD GP/BREG/P/3(III)

First issue November 1999

Last revision December 2002

This revision June 2003 (AD/NB1) (General revision)

Index under: Dedication
B(P)Reg 22