



Buildings Department



Lands Department



Planning Department

Joint Practice Note No. 4

Development Control Parameters Plot Ratio / Gross Floor Area

Introduction

This joint practice note (JPN) promulgates the streamlined arrangements for stipulating maximum plot ratio (PR) / gross floor area (GFA) restrictions, determining the GFA accountability of typical building facilities, features and structures, and checking compliance with the maximum PR / GFA restrictions amongst the Buildings Department (BD), Lands Department (LandsD) and Planning Department (PlanD). It should be read in conjunction with the LandsD Lands Administration Office (LAO) Practice Note (PN) Issue No. 4/2014A on “Accountable and Non-accountable Gross Floor Area (GFA) under Lease” which would be issued separately.

Maximum PR / GFA Restrictions under the Three Regimes

2. The primary objective of stipulating a maximum PR / GFA is to control development intensity. At present, all private development projects are subject to development intensity control by virtue of the Building (Planning) Regulations (B(P)R) (Cap. 123F) under the Buildings Ordinance (BO) (Cap. 123). Development intensity control is also stipulated in the Notes of statutory plans in the planning regime as needed and is currently exercised in conjunction with the permissible PR stipulated under B(P)R, such that the more stringent restriction of the two sets of stipulations will be the permissible development intensity of the site concerned. As regards land administration, a maximum GFA clause is imposed in modern leases on the development intensity applicable to the lot which reflects the relevant restriction in the statutory plan or, if that is not available, the advice from relevant government departments, essentially PlanD.

/3. Currently ...

3. Currently, BD, LandsD and PlanD will each conduct compliance checking of General Building Plan (GBP) submissions based on the restrictions stipulated under B(P)R, the relevant lease¹ and statutory plan respectively and in accordance with the definitions and interpretations adopted by each of the three departments in respect of the site area and the GFA accountability of building facilities, features and structures.

Streamlined Arrangements

Stipulating Maximum PR / GFA Restriction

4. Under the streamlined arrangements, where a maximum PR / GFA restriction is stipulated in **new or amended statutory plans** gazetted on or after the effective date of this JPN, the restriction so stipulated under the **planning regime** will become the **sole reference**, save for exceptional cases², in terms of PR / GFA control when departments vet the GBPs of the concerned new development or redevelopment proposals. Specifically, the streamlined arrangements will be applicable to site(s) subject to the new PR / GFA control under the new statutory plans, or site(s) subject to the new or amended PR / GFA control under the amended statutory plans gazetted on or after the effective date of this JPN. Therefore, if the maximum PR / GFA restriction stipulated in the relevant statutory plan is more stringent than the permissible PR restriction stipulated in the First Schedule to the B(P)R, the PR / GFA restriction stipulated in the statutory plan will prevail. On the other hand, if the permissible PR restriction stipulated in the First Schedule to the B(P)R is more stringent than the maximum PR / GFA restriction stipulated in the relevant statutory plan, the Building Authority (BA) may, on application, favourably consider exercising discretion under section 42 of the BO to grant modification to permit the PR restriction stipulated in the First Schedule to B(P)R to be exceeded to a level³ on par /with ...

¹ Unless stated otherwise, all references to “lease” in this JPN shall include Government Lease or Conditions of Sale/Grant/Exchange, etc (as the case may be) and “leases” shall be construed accordingly.

² Such as sites without site classification under regulation 19(3) of the B(P)R and sites carved out from their parent site of which the development intensity had already been used up by existing developments under the building regime.

³ Including sites where there exist different interpretations of site area between PlanD / LandsD and BD. In these cases, the BA would be prepared to, upon application, favourably consider exercising discretion under section 42 of the BO to grant modification to permit a higher PR to bring it on par with the maximum PR / GFA control under the planning regime.

with the maximum PR / GFA restriction under the planning regime. LandsD will continue to reflect the maximum PR / GFA restriction stipulated under the planning regime applicable to the lot concerned, when stipulating the maximum GFA clause in new or modified leases. The checking of compliance for cases with the maximum PR / GFA restriction stipulated in statutory plans and leases in vetting the GBPs is set out in paragraphs 6 to 8.

Practices of determining the GFA accountability amongst BD, LandsD and PlanD

5. Efforts have been made to align, as far as practicable, the practices in determining the GFA accountability in respect of building facilities, features and structures across the planning, building and land administration regimes. Subject to the exemption provisions and compliance with any exemption criteria as set out in the relevant instruments and practice notes, the GFA accountability of the various groups of building facilities, features and structures is set out in the **Appendix** for clarity. The classification is set out as follows –

- (a) **Group I** : the building facilities, features and structures which are **normally exempted** from the GFA accountability under all of the three regimes, for application to all new developments or redevelopments and alterations and additions (A&A) works for existing buildings⁴ covered by new or existing leases;
- (b) **Group II** : the building facilities, features and structures which are **normally exempted** from the GFA accountability under all of the three regimes on condition that there is a relevant specific GFA exemption provision under lease, for application to all new developments or redevelopments and A&A works for existing buildings⁴ covered by new or existing leases. For existing leases without the relevant specific GFA exemption provision, inclusion of such provision will involve lease modification subject to assessment and payment of premium on a case-by-case basis (where it is decided that premium will not be charged for the inclusion of specific GFA exemption clause pertaining to a specific category of facilities / features / structures on policy ground, LandsD will promulgate the arrangements separately);

/(c) ...

⁴ Given the objective of the GFA exemption arrangements for such specific items, the GFA exemption of some of these provisions such as green and innovative features and larger lift shaft is applicable to new developments or redevelopments only.

- (c) **Group III** : the GFA accountability for the building facilities, features and structures under the three regimes has been and will continue to be considered on a case-by-case basis. That said, **insofar as new developments involving the granting of new leases are concerned, the three departments would try to align their position on GFA accountability for the facilities / features / structures under Group III for the development in question and have the aligned position (either to specify that the GFA will be exempted or not) specified in the new lease for that development.** For the avoidance of doubt, the premium implication arising from any further relaxation in the GFA accountability so specified in the lease will be separately dealt with.

Compliance Checking of the Maximum PR / GFA Restriction

6. Under the streamlined arrangements on compliance checking process and given BD's statutory duty to check and approve GBPs for developments and A&A works under the BO, **BD will become the sole agent responsible for verifying the GFA computation** in accordance with regulation 23(3)(a)⁵ of the B(P)R for building facilities, features and structures⁶ of developments for the purposes of processing GBP under the three regimes. **For items where GFA computations have been verified by BD, PlanD and LandsD will rely on such verified computations (i.e. follow BD's practice in GFA calculation and without undergoing their own computation) when exercising their authorities to check compliance with conditions imposed under their respective regimes.**

7. Specifically, PlanD will determine, based on BD's verified GFA, whether the provisions and requirements under the statutory plan or planning approval have been complied with. Where there is a specific provision in the statutory plan or specification in planning approval regarding GFA accountability for certain facilities, the GFA verified by BD will form a base calculation to facilitate PlanD's separate processing under the planning regime. Where there is no such specific provision or specification on GFA accountability, PlanD will determine the compliance based on /BD's ...

⁵ According to regulation 23(3)(a) of the B(P)R, GFA of a building shall be the area contained within the external walls of the building measured at each floor level, together with the areas of balconies of the building, and the thickness of the external walls.

⁶ The verification of the GFA accountability by BD includes individual building facilities, features and structures such as curtain walls, atrium voids, carparking spaces, green features, amenity features and innovative features in accordance with regulation 23(3)(a) of the B(P)R, Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers and JPNs.

BD's verified GFA and follow BD's practice in GFA calculation and granting of GFA concessions. Exceptional cases will continue to be considered under the current Building Committee of BD or town planning mechanism.

8. As for the land administration regime, based on the GFA computation verified by BD, LandsD will determine whether a proposed development complies with the maximum PR / GFA restriction stipulated in the lease for both existing and new leases. LandsD will make reference to this JPN when exercising its authority in this regard. When checking compliance with site-specific lease conditions imposing maximum and / or minimum GFA restrictions on specific types of uses (e.g. retail, office or welfare uses), LandsD will continue to take the lead in verifying the computation of GFA for those specific uses through the mechanism as promulgated under LandsD LAO PN No. 3/2018, as BD would not normally be required to separately verify the GFA of those specific uses in a development under the building regime.

Application

9. Subject to section 16(3)(d) of the BO, building plans approved by the Building Authority prior to the implementation of the "January 2011" version of this JPN should make reference to the "November 2008" version.

10. The streamlined arrangements for stipulating the maximum PR / GFA restriction as described in paragraph 4 above will not be applicable to buildings already issued with occupation permits. For the avoidance of doubt, there should not be transfer of GFA between any completed building and other phases or new buildings yet to be completed.

11. This JPN is not applicable to any buildings which, by reason of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), are exempted from the provisions of the BO.

/12. It ...

12. It must be noted that BD, LandsD and PlanD are acting in different capacities and exercising different functions, powers and rights under the respective ordinances and the leases under their respective purview. Any functions, powers or rights exercised by any of these departments shall not in any way affect the functions, powers and rights of any of the others. This JPN (including its Appendix) is meant to serve as general guidelines and as such it may not adequately cater for specific circumstances of individual cases. This being the case, it 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 in relation to, the interpretation or enforcement of the terms and conditions of the leases or otherwise.

Effective Date

13. This JPN takes effect from 18 October 2021. It will apply to all new building plans or major revision of building plans for development proposals submitted to the BA for approval on or after 18 October 2021. All rights to modify the whole or any part of this JPN are hereby reserved.

(YU Tak-cheung)
Director of Buildings

(Andrew LAI)
Director of Lands

(Ivan CHUNG)
Director of Planning

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GFA accountability of building facilities, features and structures generally adopted among BD, LandsD and PlanD

Group I – Items that are not counted¹ towards GFA calculation by all the three departments regardless of any GFA exemption provision under the respective lease

	Items [subject to compliance to the criteria / Practice Notes in square brackets, if any]
1.	Elevated structures (e.g. elevated garden areas and terraces) [BA being satisfied that the covered areas underneath the elevated structures would not be abused]
2.	Enclosed open areas (e.g. light wells, yards, pipe wells) and 3-side enclosed open flat roofs / gardens / roofs / terraces [BA being satisfied that the enclosed areas would not be abused]
3.	Horizontal areas of staircases, lift shafts and vertical ducts solely serving floors accepted as not being GFA accountable [PNAP APP-2]
4.	Open flat roofs
5.	Open private carparks
6.	Open staircases serving as main access to residential units / houses [BA being satisfied that the covered areas under the staircases would not be abused]
7.	Outdoor swimming pools
8.	Rooftop staircase hoods of residential developments [Size being not excessive and that no other building facilities, features and structures at roof are accountable for GFA]
9.	Claddings [PNAP APP-2]
10.	Refuge floors including refuge floors cum sky gardens [PNAP APP-2 and PNAP APP-122]
11.	Air-conditioner boxes / platforms [PNAP APP-19 and PNAP APP-151]

¹ GFA exemption may be granted subject to compliance with exemption criteria as set out in the relevant practice notes, except where there are any existing provisions in the statutory plans or planning approvals or leases explicitly stating that these features would not be exempted.

	Items [subject to compliance to the criteria / Practice Notes in square brackets, if any]
12.	Covered areas under large projecting / overhanging features [PNAP APP-19]
13.	Covered landscaped and play areas in residential developments [PNAP APP-42 and PNAP APP-151]
14.	Horizontal screens / covered walkways and trellises in residential developments [PNAP APP-42 and PNAP APP-151]
15.	Minor projecting features which include canopies over entrances to buildings, projecting windows, window cills, window surrounds and other similar minor projections [PNAP APP-19]
16.	Sunshades and reflectors [PNAP APP-19, PNAP APP-67 and PNAP APP-156]
17.	Voids over main common entrances (prestige entrance) in non-domestic developments and voids in duplex domestic flats / houses [PNAP APP-2 and PNAP APP-151]
18.	Floor spaces for refuse storage and collection [PNAP APP-35]
19.	Areas for picking up and setting down persons departing from or arriving at hotels by vehicles [PNAP APP-40]
20.	Supporting facilities for hotels [PNAP APP-40]
21.	Larger lift shafts [PNAP APP-89 and PNAP APP-151]
22.	Plant rooms and similar services, including pipe ducts, air ducts for such rooms and services [respective PNAPs listed in PNAP APP-151]
23.	Chimney shafts [PNAP APP-2 and PNAP APP-151]

Group II – Items that may be exempted² from GFA calculation by all the three departments subject to inclusion of a specific GFA exemption provision contained in the lease

(A)	Items where GFA exemption may be granted at <u>nil premium</u> but subject to payment of administrative fee (if appropriate) [subject to compliance to the Practice Notes in square brackets]
1.	Caretaker’s quarters and caretaker’s offices in residential developments [PNAP APP-42 and PNAP APP-151]
2.	The following green / innovative features – (a) wider common corridors and lift lobbies for residential buildings (b) communal sky gardens; (c) communal podium gardens for non-residential buildings; (d) acoustic fins; and (e) wing walls, wind catchers and funnels. [PNAPs and JPNs listed in PNAP APP-151]
3.	Owners’ corporation or owners’ committee offices in residential developments [PNAP APP-42 and PNAP APP-151]

(B)	Items where GFA exemption may be granted subject to assessment of <u>premium</u> and payment of administrative fee [subject to compliance to the Practice Notes in square brackets]
1.	Curtain walls [PNAP APP-2]
2.	The following green / innovative features – (a) balconies for residential buildings; (b) utility platforms for residential buildings; (c) non-structural prefabricated external walls; (d) noise barriers; and (e) buildings adopting Modular Integrated Construction. [PNAPs and JPNs listed in PNAP APP-151]
3.	Residential recreational facilities [PNAP APP-104, PNAP APP-151 and LAO Practice Note Issue No. 4/2000(B)]

² GFA exemption may be granted subject to inclusion of specific exemption provision and additional terms and conditions and compliance with exemption criteria as set out in the relevant instruments and practice notes, except where there are any existing provisions in the statutory plans or planning approvals or leases explicitly stating that these features would not be exempted.

Group III – Items the GFA of which may or may not be accountable depending on circumstances of individual cases, but the decision would be aligned among the three departments for new developments and specified in relevant new or modified leases³

	Items
1.	Public transport terminus (PTT)
2.	Government accommodation (to be handed over to Government) other than PTT
3.	Covered public passageways and walkways as required by Government
4.	Covered private carparking space, loading and unloading bay/ area and their ancillary areas including driveways, ramps, lift shafts and lobbies of car/ passage lifts and staircases etc. solely serving the private car park

(10/2021)

³ For existing leases, the GFA accountability of the items in this group among the three departments is considered on a case-by-case basis.