

**Business Facilitation Advisory Committee
Pre-construction Task Force**

***Alignment of Development Control Parameters adopted by
Buildings Department, Lands Department and Planning Department***

Progress Report

Purpose

This paper reports to the Pre-construction Task Force the development of the review on the different definitions of development control parameters adopted by Buildings Department (“BD”), Lands Department (“LandsD”) and Planning Department (“PlanD”)

Background

2. Review and improvement of the development approval procedure are a continuing process. An Inter-departmental Task Force led by the Director of Buildings has formed a Working Group (“WG”) to look into the issue of the development control parameters adopted by BD, LandsD and PlanD when processing development proposals for approval under the Buildings Ordinance, land leases and the Town Planning Ordinance respectively.

3. We advised the Pre-construction Task Force in January 2005 that the practices applicable to a number of parameters were consistent amongst the three departments. Nevertheless, the alignment of practices over other parameters would not be feasible as they served different objectives.

Latest Development

4. After further reviewing other parameters for alignment mentioned in paragraph 3, the WG has reached the conclusion that while the three departments have broadly adopted similar practices in certain parameters, there are exceptions. In this regard, it is noted that while BD and PlanD are implementing statutory functions under the respective Ordinances, LandsD is acting as landlord in accordance with private law principles of landlord and tenant and any other relevant legal principles and will not be bound by the interpretations adopted by other departments under statute.

5. BD, LandsD and PlanD have explored the issuance of a Joint Practice Note (“JPN”) to provide advice to the industry on the development control parameters where similar practices are adopted as well as those where the practices as adopted serve different objectives of the three departments. The proposed JPN will also highlight details of those different practices relating to the latter category of parameters.

6. We have consulted the three sub-committees under the Land and Building Advisory Committee on the JPN proposal. We have collected a wide variety of views on our proposal. While some are agreeable to the issuance of a JPN, others have reservation on the proposal and cast doubt on the effectiveness of such a JPN since it merely lists out the existing practices and differences amongst the departments and has no practical effect on the alignment of the different development parameters.

7. Having carefully analyzed the views collected, the WG has come to the conclusion that the proposed JPN need not be issued. Nevertheless, the Departments will continue to work closely together, with a view to improving and streamlining the development procedures and seeking opportunities for alignment of their practices where possible.

Buildings Department
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