

**Economic and Employment Council
Pre-construction Task Force**

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

Purpose

This paper discusses and reports on the progress 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 is a continuing process. An Inter-departmental Task Force led by Director of Buildings has formed a Working Group (WG) to look into the issue of the different definitions adopted by BD, LandsD and PlanD on certain development control parameters when processing development proposals for approval under the Buildings Ordinance (BO), lease and Town Planning Ordinance (TPO) respectively.

Development Control Objectives

3. In studying the development control parameters adopted by the respective departments, it is useful to recapitulate the purview and development control objectives of the BD, LandsD and PlanD as follows:

- (a) *BD* - governed primarily under the BO and allied regulations and supplemented by practice notes issued to practitioners in the industry. The prime objective is to ensure the fulfilment of a minimum standard in the planning, design and construction of private buildings set out in the BO, including density control.
- (b) *LandsD* – governed primarily by lease conditions, which have been developed over the years and drawn up individually for each lot.

In many cases, any change to the lease conditions and to the definitions adopted would have premium implications e.g. where a maximum permissible gross floor area (GFA) figure is stated.

- (c) *PlanD* – governed primarily under the TPO and outline zoning plans (OZP), serving different development control objectives such as urban design, preservation of public amenity, sight line, and density control set out in the TPO.

Findings of the WG

4. About 20 fundamental development control parameters like accountability for GFA, site coverage (SC), site area and determination of building height or number of storeys were identified for review. The WG recommends that steps should be taken to align the definitions of the following parameters: -

Accountability for GFA

- (a) BD, LandsD and PlanD would issue a joint practice note, promulgating acceptance criteria for the exclusion of voids in duplex flats and houses from GFA calculations.
- (b) BD will specify the eligible criteria for granting GFA exemption for caretaker's office in domestic buildings generally in line with LandsD's and PlanD's practice.¹
- (c) BD will revise the practice note to practitioners advising the granting of GFA exemption for owners' committee offices not exceeding 20m² in domestic buildings, where it is catered for under the lease. PlanD will follow BD's practice when the practice note is amended.
- (d) BD, PlanD and LandsD will review the need to exempt caretaker's quarter from GFA.

¹ Where an exemption clause is available in the lease, LandsD would accept GFA exemption of caretaker's office in domestic buildings generally, subject to a size not exceeding 5m² per 50 units or per block. In the case of PlanD, for areas subject to PR/GFA restrictions under OZP, such facility will be exempted under the Notes of OZP.

Accountability for Site Coverage

- (e) BD will disregard curtain wall/cladding with a projection not exceeding 300mm from SC measurement to bring this in line with LandsD's practice².

Counting Number of Storeys

- (f) LandsD and PlanD will jointly review the current practice to establish a uniform basis of counting for compliance with lease conditions and planning requirements³.

5. The WG concludes that the some of the identified parameters are consistent amongst the three departments⁴.

6. The WG also identified a few parameters which are interpreted differently by the three departments but which alignment would not be feasible as they are serving different objectives⁵.

7. There are also parameters for which a policy review is still being carried out. The WG will look further in these when the policy review has been completed.

8. Despite some of the differences in interpretation, there exist forums

² Where an exemption clause is available in the lease, LandsD would accept exemption of projection of not exceeding 300mm from GFA and SC calculations.

³ Currently, LandsD would count from lowest formation floor level including basement to the highest storey while some floors such as plant room floors, refuge floors may be exempted from counting. PlanD would count the physical storeys above street level while utility structures (e.g. roof-top water tanks and machine rooms) and recreational facilities not more than 50% of the floor area will not be counted as an additional storey.

⁴ They include accountability for GFA calculations of the following features:- flat roofs/garden, public carpark, private carpark, covered dedicated passageway/footbridges, communal amenity features under PNAP 116, lobbies in carparking floors, government accommodation in private development and recreational facilities. Another category of feature is about accountability of SC which include elevated deck on stilt structures over sloping sites and non-domestic SC up to 15m above ground level.

⁵ These parameters include method of measuring building height and assessment of site area. Their different interpretation mainly stems from what has been described in para. 2 of this paper. To bring these parameters into alignment would imply legislative amendments or review of terminology used in the lease documents.

like Building Committee I or III and pre-submission conference promulgated in a joint practice note⁶ issued by the three departments where collective views of the departments on specific development proposals could be fully deliberated and taken into account before taking a decision. Developers may also make use of the service of pre-submission enquiries and conference as described in the joint practice note to facilitate early clearance of fundamental issues.

Way Forward

9. The WG will continue to look at those cases where a policy review is being carried out. We will consult building professionals on the finding of the WG at the Building, Land and Planning Subcommittees of Land and Building Advisory Committee, and the Authorized Person and Registered Structural Engineer's Committee. A Joint Practice Note will then be issued to inform the industry of the development control parameters where the definitions have been unified.

10. BD, LandsD and PlanD are committed to providing a client-oriented service. The three departments and the WG welcomes any views and suggestions for improving their definitions of development control parameters and the development approval process.

Buildings Department
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⁶ Joint Practice Note No. 3 issued by BD, LandsD and PlanD in August 2003.