



# THE HONG KONG INSTITUTE OF SURVEYORS

18 April 2006

The Director of Lands  
Lands Department  
Headquarters  
20th Floor, North Point Government Offices  
333 Java Road, North Point  
Hong Kong

BY FAX & BY POST  
#2868 4707

Dear Sirs,

**RE : JOINT PRACTICE NOTE TITLED "DEVELOPMENT CONTROL  
PARAMETERS"**

We refer to the draft Joint Practice Note titled "Development Control Parameters" tabled at the Land Sub-Committee on 17 January 2006 and we are pleased to set out below our comments for your perusal.

**1.0. Item "Site Area for Plot Ratio (PR) and Site Coverage (SC) Calculation under Appendix B"**

We have the following comments on the interpretation by the Planning Department (PlanD):

- 1.1. We recommend that PlanD should clarify its control is exercised on "lot basis" or "site basis", and under what authority it exercises such control.
- 1.2. We recommend that PlanD should also clarify the statement: "As a general rule, garden lot is excluded from plot ratio/GFA calculation", and its source of authority. We are of the view that so long as the 'lot' or the 'site' is within a certain zone, the plot ratio and site coverage restrictions stipulated in the relevant Outline Zoning Plan (OZP) should be applied.

**2.0. Item "Building Height" under Appendix B**

We have the following comments on the interpretation by the Lands Department (LandsD):

- 2.1. We refer to the statement: "For sites where the lease is silent as to from where the building height shall be measured, building height will normally be measured from the lowest formation level on which a building stands (including any basement floors and still structures)". We wish to express our view that this interpretation should not be applicable to buildings built on a sloping site.

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The rationale being physically it would be difficult to build 3 to 4 storeys within a 35 feet height limit (a usual height limit under old leases) if the above interpretation applied. An alternative solution will be for the owner to backfill the void space and erect retaining wall to avoid the lowest part of the stilt being taken as the lowest formation level. This action will raise the lowest formation level but at a huge cost. We believe that the spirit of the height restriction is to control density and preserve view, etc. In this regards, it should not be the intention of the lease to compel owners to incur extra cost to enable the development of a 3 to 4 storeys building within a 35 feet height limit.

- 2.2. We are aware that LandsD has adopted the "Mean Formation Level" as the starting point for measuring building height for buildings erected on a sloping site. We would like to suggest that this interpretation can be incorporated in the Practice Note.

We have the following comments on the interpretation by the Planning Department (PlanD):

- 2.3. For PlanD's guidelines on Building Height, we would like to suggest that its interpretations should be incorporated into the OZP. This would offer certainty to both the private sector and Government.

**3.0. Item "Gross Floor Area (GFA) Calculation – Flat Roofs under Appendix A**

Our observation is that while the GFA definition shall base on physical characteristic of the structure, ie uncovered space are normally not accountable for GFA, it appears that the LandsD brings the ownership issue into play and implies that private flat roofs are accountable for GFA. Clarification is required.

**4.0. Item "Covered passageway / walkways" under Appendix A**

Some of our members in the private practice noted that the LandsD has recently not allowed exemption from GFA calculation for walkways, which are required as free public right of way under the lease. Taking this opportunity, we wish to express our concern on the change.

**5.0. Item "Public Carpark" under Appendix A**

We acknowledge that these carparking spaces are accountable for GFA. We would like to suggest adding the words 'unless otherwise specified in the lease' in the LandD's column.



#### **6.0. Item "Private Carparking Space, Loading and Unloading Bay" under Appendix A**

We are of the view that unless the lease stipulates that carparking spaces in excess of the minimum requirement shall be GFA accountable, the additional space should not be accountable for GFA. Please note some leases only stipulate the minimum carparking requirement similar to some leases which only state the minimum GFA. The GFA over and above the minimum is permitted subject to BD approval. The carparking spaces in excess of the minimum requirements should be treated the same.

The DDH control should always be based on the lease conditions.

#### **7.0. Floor to Floor Height**

We noted that this item has not been touched on in the draft Practice Note. Surveyors in private practice recently came across situations when floor to floor height was approved by BD but rejected by Lands Department despite the building height under lease has not been breached. We suggest this item should be incorporated in the Practice Note.

#### **8.0. Number of Storey**

We noted that this item has not been touched on in the draft Practice Note.

We are concerned with the situation where multiple users are put to the same floor and whether such floor can be exempted from storey calculation. Like carparks are usually exempted from storey calculation but what if recreational facilities are put to the same floor. We suggest this item should be incorporated in the Practice Note.

9.0 As a general comment, it is not ideal to have three departments offering different interpretation to development control parameters.

Thank you for your kind attention.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Wong Chung Hang', is written over a large, light-colored scribble or watermark.

Wong Chung Hang  
President