



**Buildings Department**



**Lands Department**



**Planning Department**

Joint Practice Note No. 3

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## **Landscape and Site Coverage of Greenery**

### **Introduction**

This joint practice note (JPN) sets out the streamlined arrangements adopted by the Buildings Department (BD), Lands Department (LandsD) and Planning Department (PlanD) in processing landscape submissions<sup>1</sup> and site coverage of greenery (SCG) submissions<sup>2</sup>.

### **Processing of Landscape Submissions**

2. Landscape submissions, whether in the form of a Landscape Master Plan (LMP) or a Landscape Proposal (LP), may be submitted in support of planning applications or to satisfy landscape requirement under planning conditions imposed by the Town Planning Board (TPB) or through the statutory town plans and/or in compliance with conditions under the lease<sup>3</sup>. In general, landscape submissions should demonstrate the treatment to existing landscape resources, propose broad design of the landscape provisions and features, and include other information as set out in PlanD's Practice Note (PN) No. 1/2019.

3. In general, where landscape submissions are made in connection with a planning application including compliance with planning conditions, then irrespective of whether they are also required as a lease condition, PlanD is responsible for

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<sup>1</sup> Landscape submissions mean submissions and implementation of a Landscape Master Plan or Landscape Proposal for a proposed development as required under the planning regime and/or under the lease. There is no provision under Buildings Ordinance for BD to impose landscape requirements.

<sup>2</sup> Submissions for SCG refer to those submitted under the general building plans to BD in accordance with the sustainable building design guidelines stated in BD's Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 and those submitted under lease to LandsD.

<sup>3</sup> All references to "lease" in this JPN shall include Conditions of Sale/Grant/Exchange, etc. as the case may be and "leases" shall be construed accordingly.

compliance checking both at the submission and implementation stages<sup>4</sup>. PlanD's PN No. 1/2019 or any subsequent amendment thereafter shall be referred to for details in respect of compliance of landscape requirements under the planning regime. Where landscape requirements<sup>5</sup> are imposed as a lease condition only, LandsD, or another bureau/department (B/D) specifically named under the relevant provisions as responsible party, is responsible for compliance checking<sup>6</sup> both at the submission and implementation stages.

***For cases where landscape submissions are made in connection with planning applications***

4. For such cases, irrespective of whether the submission requirements are also spelt out in the lease as a lease condition in the form of landscape clauses<sup>7</sup>, and where the landscaped areas are not required to be handed over to the Government after completion of the landscape works, as from the date set out in paragraph 15 hereof, PlanD and LandsD will adopt the following processing procedures -

- (a) PlanD is responsible for compliance checking of the landscape submissions both at the submission and implementation stages. Approval by PlanD of the landscape submissions should be deemed to have fulfilled the requirements of landscape clause under lease provided that an application for deemed approval is submitted to LandsD according to the procedures set out in LandsD's LAO PN No. 6/2003 on Compliance of Landscape Clause under Lease or any subsequent amendments thereof.

***Processing of LMP Submissions***

- (b) It is a mandatory requirement for appointing a Registered Landscape Architect (RLA) registered under the Landscape Architects Registration

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<sup>4</sup> On rare occasions when landscape submissions had been made in support of planning applications but the latter were subsequently approved by the TPB with no landscape planning conditions imposed, compliance checking for the landscape clause under the lease after implementation will be processed by LandsD.

<sup>5</sup> Apart from LMP, landscape requirements under lease may cover different kinds of submissions regarding landscape proposals, which may be required under "comprehensive landscape clause" or "master landscape clause" or "landscape plan" clauses.

<sup>6</sup> LandsD's Lands Administration Office (LAO) PN No. 6/2003 or any subsequent amendments thereof shall be referred to for details in respect of compliance of landscape requirements under the lease.

<sup>7</sup> Existing leases with landscape clauses refer to the cases where "the Director of Lands" is stated as the approving authority in the landscape clauses under lease.

Ordinance (Cap. 516) to prepare the LMP submissions. The LMP and its subsequent amendments, if any, should be prepared by an RLA and be submitted to the concerned District Planning Office (DPO) of PlanD for approval before commencement of landscape works. Upon completion of the landscape works, a Self-Certification of Compliance (SCC) as certified by an RLA, together with copies of the latest approved LMP or an approved LMP with minor amendments<sup>8</sup> duly coloured (if any), should be submitted to the concerned DPO and Landscape Unit of PlanD. The SCC should certify that the landscape works have been implemented in accordance with the approved LMP. A standard SCC form can be found in PlanD's PN No. 1/2019.

- (c) Upon receipt of the submitted SCC, the concerned DPO will issue an acknowledgement. The Landscape Unit of PlanD will randomly select SCC submissions for full compliance checking. For cases selected for full compliance checking, the discharge of planning condition and/or the issue of Certificate of Compliance under the lease may be withheld in case of non-compliance with the landscape requirements or unsatisfactory completion of the landscape works according to the approved LMP. For cases not selected for full compliance checking, the landscape works are deemed to have been satisfactorily completed upon a lapse of two weeks from the date of PlanD's receipt of the SCC submissions unless otherwise informed by PlanD. For such cases, compliance of planning condition will be issued in writing by the concerned DPO to the RLA.

#### *Processing of LP Submissions*

- (d) The appointment of RLA for the preparation of LP submissions and certification on implementation of landscape works in accordance with the approved LP is optional. If an RLA is appointed for the preparation of LP submissions and certification on implementation of landscape works in accordance with the approved LP, the processing procedures as set out in paragraphs 4(b) and (c) above will be applicable. For cases whereby an RLA is not appointed, the completed landscape works would be subject to full compliance checking by the Landscape Unit of PlanD.

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<sup>8</sup> Minor amendments generally refer to Class A amendments as stated in TPB Guidelines No. 36B.

***For cases where landscape submissions are not made in connection with planning applications***

5. For such cases, the following procedures will apply –
  - (a) LandsD is responsible for compliance checking both at the submission and implementation stages, unless another B/D has been named under the relevant lease conditions as the party discharging the responsibility.
  - (b) Landscape requirements in the form of submission and implementation of LMP or LP would be included in the new or modified leases upon request of either PlanD or another B/D with specific objectives. In cases where the requirements of submission and implementation of LMP or LP are included in a new or modified lease on the advice of PlanD or another B/D, PlanD or the concerned B/D would be specified under lease as the authority to approve such submission and to check compliance of such requirements.
  - (c) If no such request is raised, a simple landscape clause would be included by LandsD in the lease to require the lot owner to landscape and plant with trees/shrubs on any part of the lot not built upon and thereafter to maintain the same satisfactorily. No landscape submission for fulfilling the simple landscape clause is required.
  - (d) The general procedures for compliance checking of LMP or LP submissions imposed in new or modified leases by PlanD or the concerned B/D should normally follow those set out in paragraphs 4(b) to (d) above.

***Other points to note***

6. Landscape submissions should be made in a timely manner as approval of the landscape submissions is required before the commencement of (a) site formation works for sites with a tree preservation requirement under the lease or (b) superstructure works for sites without a tree preservation requirement under the lease. In this connection, reference should also be made to the LandsD's LAO PNs No. 7/2007 and 7/2007A on Tree Preservation and Tree Removal Application for Building Development in Private Projects or any subsequent amendments thereof.

7. The above procedures apply to landscape submissions within private lots only. Submissions of landscape details for areas to be handed back to the

Government or outside the lot boundaries should be dealt with by the concerned government departments as stipulated in the relevant clauses under lease. Nevertheless, subject to the agreement of the concerned government departments, processing procedures as set out in paragraph 4 above may be applicable to such areas.

### **Landscape Submissions in relation to General Building Plan (GBP) Submissions**

8. In GBP submissions involving development proposals with the requirement of landscape submissions imposed as a condition in granting planning permission, the applicant is only required to submit, prior to or at the time of GBP submission, a Landscape Layout Plan showing basic information on the landscape design concept to the concerned DPO. Landscape Layout Plan is not expected to be as detailed as an LMP or LP, as the main purpose is to demonstrate that the landscape provisions would not be unduly compromised by the proposed building design. It should form the basis on which the LMP or LP is drawn up in later stages. For details, please refer to PlanD's PN No. 1/2019.

### **SCG Submissions**

9. SCG is one of the three key building design elements for fostering a sustainable built environment and is independent of the aforesaid landscape requirements. The SCG requirement is included in the lease conditions and where applicable, is one of the pre-requisites for obtaining gross floor area concessions under the building regime.

10. As a streamlined measure, BD is the sole authority to interpret the SCG requirement, to accept the relevant proposals and to check compliance upon completion of the private development according to BD's Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-152. For the SCG requirement in new or modified leases, such clause will be drafted to the effect that the requirement will be regarded as having been satisfied upon BD's acceptance of the SCG provisions included in the GBP submission to BD. Separate submission to LandsD will not be required. There may be occasions, however, when developments under new leases have to be subject to SCG requirements at higher percentages than those prescribed under PNAP APP-152 on the request of another B/D. In such cases, the SCG provisions should

still be shown on the GBP submission for BD's comment according to PNAP APP-152. Specifically, BD will offer comment on the SCG provisions in such developments within the parameters under PNAP APP-152 and assist in computing the SCG provisions according to PNAP APP-152, while the concerned B/D specified in the relevant lease condition would be responsible for checking and deciding if the proposal, including such other requirements, are acceptable both at design and completion stages.

11. For existing leases, the SCG requirement as specified in the existing lease conditions requires LandsD's approval. As a streamlined arrangement, the lot owner or his Authorized Person (AP)<sup>9</sup> may, as an alternative, choose to demonstrate compliance through showing the SCG provisions on the GBP for BD's acceptance. In these cases, LandsD is prepared to regard SCG submission accepted by BD acceptable under lease subject to any prescriptive requirements already specified in the relevant lease condition. On rare occasions where the SCG provisions included in the GBP submission as accepted by BD may not comply with the prescriptive SCG requirement already specified in the relevant lease condition (e.g. due to the differences in lot or site area calculations), a lease modification application to amend the requirement may be submitted to LandsD for consideration. Such application, if approved, will be subject to payment of premium (if the modification for the particular case is assessed to carry premium implications) and administrative fee.

### **Miscellaneous**

12. For the avoidance of doubt, approval of the landscape submissions by TPB/PlanD (or the concerned B/D) and/or acceptance of the SCG provisions shown on the GBP by BD should not be construed that anything indicated in the approved landscape submissions and/or the GBP is in any way in compliance with other lease conditions. The AP, the lot owner and the applicant should ensure that the LMP or LP or the SCG provisions shown on the GBP tally with each other and they do not contravene any lease conditions.

13. For landscape submissions (LMP or LP) or SCG submissions imposed as a lease condition upon request by other concerned B/D, the procedures for compliance checking should be dealt with by the concerned B/D, as supplemented by relevant arrangements set out in this JPN.

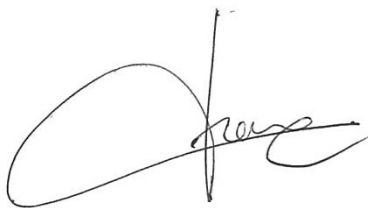
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<sup>9</sup> AP as defined under the Buildings Ordinance (Cap.123).

14. This JPN 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**

15. This JPN takes effect from 15 May 2019. All rights to modify the whole or any part of this JPN are hereby reserved.



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