

### Dedication of Land for Use as Public Passage

#### Purpose

The practice note sets out the general guidelines on proposals for dedicating land for use as public passage and the bonus concessions which the Building Authority (BA) may grant on acceptance of such dedication of land.

#### Background

2. The BA is empowered to grant building concessions in the form of exemption of certain floor areas from the accountable gross floor area (GFA) and in the form of additional plot ratio and site coverage over the normally permitted values in exchange for dedication of land for use as public passage. Building (Planning) Regulation 22(1) provides that where a building is set back from a lot boundary and, with the consent of the Government, the set-back area is dedicated for the purpose of use as public passage, the permitted site coverage and plot ratio for the building may be exceeded. The maximum additional plot ratio thus approvable is five times the area so dedicated. In addition, the BA is also empowered to grant exemption from accountable GFA for areas accepted as dedicated for use as public passage.

#### General Guidelines

3. To provide a greater degree of certainty to building professionals and developers when they submit applications for building concessions for dedication of land for use as public passage, the guidelines in respect of the provision of public passages are set out in the following paragraphs for general reference.

4. Areas for public passages shown on town plans or layout plans are usually intended as long-term requirements to meet area-wide traffic demand. The land so required for road or pavement widening should preferably be obtained by way of surrender to Government as stipulated under Building (Planning) Regulation 22(2).

5. Dedication of land for public passage will be considered if such a public passage is required by Government departments for implementation of projects which lead to :

- (a) alleviation of congestion problems of vehicular or pedestrian traffic on public roads or walkways;
- (b) linkage with a footbridge/subway or proposed footbridge/ subway which is or will be readily accessible to and used by the general public, and such linkage would significantly enhance public safety or convenience; or
- (c) improvement of road safety or significant enhancement of public convenience.

6. If the dedication proposal is originated from a private developer, it will be necessary for the developer to substantiate the need for the proposed area for use as public passage. The criteria stated in paragraph 5 will be adopted in assessing the merits and desirability of the proposed dedication.

7. Bonus plot ratio and site coverage will be granted by the BA based on individual merits. Such a building concession, if granted, will generally be fixed at multiples of the dedicated area (5:1 for dedicated area at ground level and 2:1 for areas at other floor levels) with the dedicated areas being exempted from accountable GFA, subject to the maximum additional bonus plot ratio and site coverage under Building (Planning) Regulation 22(1) and the maximum plot ratio limit on the relevant statutory Outline Zoning Plan.

8. A proposed dedication involving a claim for bonus plot ratio will be considered, if and only if, it meets at least one of the criteria set out in paragraph 5. A mere "no objection" response from relevant Government departments, in particular Transport Department, Highways Department, Planning Department and Lands Department, will only qualify the dedicated area for exemption from accountable GFA and no bonus plot ratio will be granted.

#### **Display of Notices**

9. In all cases, the responsibility for the provision, maintenance and repair of the dedication areas will rest with the building owners. For greater transparency, notices advising the public of the dedication of the area for use as public passage and the opening hours of such a public passage should be displayed in conspicuous locations of the area. Such display of notices will be made a condition of dedication.

#### **Deed of Dedication**

10. Consent to commence work on that part of the building works which utilizes the bonus GFA will normally be given only after the execution of a Deed of Dedication incorporating all the relevant terms and conditions. An Occupation Permit will not be issued until all the relevant terms and conditions of the Deed have been fulfilled.

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