

Landlord and Tenant (Consolidation) Ordinance, Cap 7
Demolished Buildings (Re-development of Sites) Ordinance, Cap 337

Validity of Approved Plans

Approved plans forming the basis of an Exclusion Order under the Landlord & Tenant (Consolidation) Ordinance are normally excluded by Buildings Ordinance section 16(3A) from the application of Buildings Ordinance section 16(3)(d).

2. Although there is no specific statutory provision, the analogy with Re-development Orders under the Demolished Buildings (Re-development of Sites) Ordinance is obvious: the position is that consent applied for after more than two years of approval will be given if it is still practical for the work to be completed within the Re-development Order period and any extension likely to be granted because of justifying circumstances.

Material Variation

3. If subsequent amendments to the approved plans for a project affected by an Exclusion Order show:

- (a) a reduction in floor space of more than 10%, or
- (b) a change in use of any part of the proposed building, or
- (c) the involvement of other premises also subject to the Landlord and Tenant (Consolidation) Ordinance (by extension of the project, for example),

a 'material variation' is deemed to have been made and the authorized person (or his client's solicitors) must apply to the Lands Tribunal (Registrar, Lands Tribunal, Wanchai Law Courts, Wanchai Tower 1, 12 Harbour Road, Hong Kong) for an amending Exclusion Order.

4. Any approval given by the Building Authority is confined to compliance with the Buildings Ordinance and does not imply acceptance of the plans in relation to the Landlord and Tenant (Consolidation) Ordinance.

Penalty Free Extension

5. In the case of delays which prevent the commencement of building works by the date laid down in an Exclusion Order, penalty free extensions of one month may be granted by the Building Authority. Requests for extension of time, with an explanation for the delay, should be submitted to the Buildings Ordinance Office before the expiry of the commencement period.

6. Examples of delays which may justify penalty free extensions are:
- (a) Inability to obtain vacant possession, subject to the applicant having commenced legal proceedings and that he is pursuing such proceedings with due diligence.
 - (b) Inability on the part of the building owner to obtain entry to adjacent property to construct adequate shoring or other precautionary works as may be required.
 - (c) Inability to obtain consent to commence demolition works for other reasons beyond the control of the applicant.



(A.G. Eason)
Building Authority

Ref. : BLD(B) GP/LEG/10

First issued December 1974

This revision January 1991 (CBS/M) - para. 1-6 amended

Index under : BO s16(3A) - Approved Plans

Demolished Buildings (Re-development of Sites) Ordinance, Cap 337

Exclusion Orders

Landlord & Tenant (Consolidation) Ordinance, Cap 7

Material Variation

Re-development Orders