



**Lands Administration Office
Lands Department**

Practice Note

Issue No. 1/2025

**Self-Certification of Compliance
New Territories Exempted Houses**

This Practice Note ("PN") sets out the streamlined arrangement of the Lands Department ("LandsD") which, in suitable cases, may be adopted for processing applicable types of applications for a certificate of compliance and "No Objection to Occupy" Letter in respect of New Territories Exempted Houses.

Applicable types of applications

2. LandsD may by a land document (whether by way of conditions of grant, conditions of exchange, building licence or otherwise) ("land document") permit the erection of a village house in the New Territories, and the land document contains, amongst others, the following provisions:

- (a) a requirement on the lot owner to erect a building on his lot in the New Territories;
- (b) a restriction on the use of the lot and the building(s) thereon for any purposes other than non-industrial purposes;
- (c) a restriction on the carrying out of building works, site formation works or drainage works by the lot owner on the lot unless and until he has applied for and obtained from the District Lands Officer ("DLO") a Certificate of Exemption ("CoE") or a separate CoE in respect of such building works, site formation works or drainage works pursuant to the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121); and
- (d) a restriction that no building erected on the lot shall be occupied until the DLO certifies in writing that the conditions of the land document have been complied with to the satisfaction of the DLO ("Certificate of Compliance").

3. LandsD may also by an approval letter ("Approval Letter") give permission to a lot owner to rebuild a village house on his lot in the New Territories, and the conditions subject to which the permission is given include, amongst others, the following:

- (a) a restriction on the use of the building for any purposes other than non-industrial purposes;
- (b) a requirement on the lot owner to apply for CoE in respect of building works, site formation works or drainage works pursuant to Cap.121 before the commencement of the works; and
- (c) a provision that the DLO may issue a "No Objection to Occupy" letter upon request,

provided he is satisfied that the conditions contained in the Approval Letter have been complied with ("No Objection to Occupy Letter").

4. This PN applies to an application for (i) a Certificate of Compliance as referred to in paragraph 2(d); or (ii) a No Objection to Occupy Letter as referred to in paragraph 3(c) (thereafter collectively referred to as "CC") whereby a CoE in respect of building works has been issued under Cap.121 for the erection of the building¹ (such building is referred to in this PN as "New Territories Exempted House" or "NTEH").

Processing of applications for CC

5. In the normal processing of an application for CC, LandsD will conduct detailed on-site inspection, full documentary checking and consultation with relevant departments to verify whether the relevant obligations and requirements have been complied with ("the conventional approach").

The Streamlined Arrangement of Self-Certification of Compliance

6. Under the streamlined arrangement, when applying for CC, the lot owner may at his own expenses appoint a registered professional² ("RP") to prepare and submit a self-certification of compliance ("SCC"). The submission of SCC comprises the following requisite documents and information ("the Requisite Documents"):

- (a) **Form 1 - Self-Certification of Compliance New Territories Exempted Houses** at Appendix I together with
 - (i) the **Standard Report on Completed New Territories Exempted House (NTEH) Self-Certification of Compliance (SCC)** at Appendix II;
 - (ii) the **Construction Completion Report** at Appendix III; and
 - (iii) the computer printout containing the current ownership particular of the lot;
- (b) **Form 2 - Owner's Statement regarding Self-Certification of Compliance for New Territories Exempted Houses** at Appendix IV; and
- (c) such other requisite supporting documents and information as may be required by LandsD or the relevant departments, including but not limited to site plan(s), on-site photos, etc³.

7. When processing the issuance of the land document, Approval Letter or CoE, the DLO (in consultation with the relevant departments) may at his absolute discretion decide whether

¹ Irrespective of whether CoE in respect of site formation works or drainage works have also been issued.

² The term "registered professional" means

- (i) a "registered geotechnical engineer" ("RGE"),
- (ii) a "registered structural engineer" ("RSE"),
- (iii) a "registered professional engineer" ("RPE") in the discipline relevant to the matters he is certifying; or
- (iv) an "authorized person" ("AP")

as defined in the Buildings Ordinance (Cap. 123) (Note: "authorized person" is defined in section 2(1) of Cap.123 to mean a person whose name is on the authorized persons' register kept under section 3(1) of Cap. 123 – (i) as an architect, (ii) as an engineer, or (iii) as a surveyor). To ensure impartial and independent checking, the RP appointed to prepare and submit the SCC should not be or affiliated with the person submitting the Construction Completion Report at Appendix III (i.e. Forms CE/4 and CE/5).

³ The standard forms attached to this PN cater for NTEHs with usual features. If the NTEH has non-conventional features that are not stated in the standard forms, the lot owners or the RP are advised to seek preliminary advice from the relevant DLO before submitting an application for CC.

the case is suitable for processing the application for CC under the streamlined arrangement. Where the DLO decides that the case is not suitable for processing an application for CC under the streamlined arrangement, the DLO will upon the issuance of the land document, Approval Letter or CoE (as the case may be) inform the lot owner that the application for CC in question may only be processed under the conventional approach.

Processing of application for CC by way of SCC

8. The relevant DLO will determine whether an application for CC submitted under the streamlined arrangement is valid **within 2 weeks from the date of receipt of all the Requisite Documents**. For a valid application, the relevant DLO will proceed with departmental circulation and on-site inspection in parallel.⁴ In the event that an application is invalidated (e.g. if the RP is not listed on the relevant register kept or maintained under Cap.123 or the Engineers Registration Ordinance (Cap. 409)), the application for CC will be processed under the conventional approach and the applicant will be informed accordingly.

9. Priority will be given to the processing of applications for CC under the streamlined arrangement and on-site checking by the relevant DLO and technical departments will be streamlined. LandsD targets to complete the processing **within 10 weeks from the date of receipt of all the Requisite Documents**. The relevant DLO will either issue a CC or a letter advising the applicant why a CC cannot be issued with reasons.

10. LandsD will select cases for audit checking⁵ to verify the information concerning the completed NTEH, including but not limited to the development parameters, building or technical specifications, and installations certified by the RP in the SCC. If a case has been selected for audit checking, the relevant DLO will inform the applicant accordingly, and the time frame for completing the processing of the application for CC will be extended to **14 weeks from the date of receipt of all the Requisite Documents**.

11. An applicant whose application for CC was submitted prior to the promulgation of this PN may opt to have his application processed under the streamlined arrangement. The applicant shall first check with the relevant DLO on the status of processing of his application, and if he decides to opt for adopting the streamlined arrangement, he shall inform the relevant DLO in writing of his decision. The relevant DLO will withhold the processing of the application for CC pending the receipt of all the Requisite Documents. After the DLO makes the determination that the case is suitable for processing under the streamlined arrangement, the processing of the application will be accorded priority same as other applications being processed under the streamlined arrangement, and the order of priority would be based on the actual date of receipt of all the Requisite Documents.

Irregularities discovered subsequent to the issue of CC

12. The issuance of CC under the streamlined arrangement shall not in any way prejudice the rights of the Government to take any types of enforcement action (whether in relation to the land document, the Approval Letter, the NTEH, the application for CC or otherwise) at any time. Without prejudice to the generality of the aforesaid, the Government reserves its rights to take such action as it considers appropriate in the event of breach or non-compliance with the requirements for the SCC, or the discovery of irregularities concerning or relating to an application for CC by SCC (e.g. any misconduct on the part of the RP in submitting the SCC), including but not limited to referring the matter to the Building Authority, the relevant professional bodies and/or other enforcement authorities for investigation and further action.

⁴ No separate notification will be given to the applicant or RP if the application is determined to be valid.

⁵ DLO will process the selected case by the conventional approach.

Pilot Scheme to be implemented by the District Lands Office, Yuen Long

13. The streamlined arrangement will first be implemented as a pilot scheme by the District Lands Office, Yuen Long for 9 months with immediate effect. LandsD will review the implementation of the pilot scheme and may refine the arrangement having regard to the experience, feedback and manpower capacity of the relevant departments and the industry professions, and thereafter consider expanding the implementation to more applicable districts in phases.

14. Nothing in this PN shall in any way fetter or affect or prejudice the Government's rights as lessor or landlord, the rights of the Director of Lands under Cap.121 or the rights of the Government, the Director of Lands and their officers under any documents relating to the application for CC or the NTEH, and all such rights are hereby reserved. Nothing in this PN, including any words and expressions used shall in any way be construed as any variation or waiver of any provisions under the relevant lease or affect or bind the Government in relation to the interpretation or enforcement of the terms and conditions of the relevant lease or otherwise. All rights to modify the whole or any part of this PN are hereby reserved.



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