



Gross Floor Area Exemption
for Aboveground Parking Spaces in New Developments or Redevelopments

An enhancement to the arrangement for disregarding aboveground carparking floor and car park ancillary areas from Gross Floor Area (“GFA”) calculation was promulgated by the Buildings Department (“BD”) vide its revised Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers No. APP-2 (“PNAP APP-2”) on “Calculation of Gross Floor Area and Non-accountable Gross Floor Area - Building (Planning) Regulation 23(3)(a) and (b)” in December 2023 (“Revised Aboveground Parking Spaces Arrangement”)¹. This Practice Note (“PN”) sets out the streamlined procedures of the Lands Department (“LandsD”) to deal with the Revised Aboveground Parking Spaces Arrangement under lease².

Streamlining procedures

2. The Revised Aboveground Parking Spaces Arrangement applies to all new building plans (including major revision) for new building developments submitted to the BA for approval on or after 31 December 2023, but not existing buildings. It will be effected under lease in the following streamlined manner -

- (a) **For new leases and lease modifications (including land exchange but excluding minor modification and technical modification)**

A sub-clause will be incorporated into the “Parking and Loading/Unloading

¹ The Revised Aboveground Parking Spaces Arrangement is set out in paragraph 18(c) of PNAP APP-2 and further elaborated in paragraphs 7 to 10 of its Appendix C. Under the Revised Aboveground Parking Spaces Arrangement, not more than one floor of parking spaces (whether private or public parking spaces) provided at or above ground level together with areas solely serving such parking spaces (including reasonable size driveways, ramps, lift shafts and lobbies of car/passenger lifts and staircases and also parking information facilities provided to the satisfaction of the Commissioner for Transport) may be disregarded from GFA calculation by the Building Authority (“BA”).

² All references to “lease” in this PN shall include Government Lease or Conditions of Grant / Sale / Exchange, as the case may be.

Requirements” clause in the lease to provide for –

- (i) the Director of Lands (“the Director”) to exclude from GFA calculation one floor of parking spaces at or above ground level which has been disregarded from GFA calculation by the BA under the Revised Aboveground Parking Spaces Arrangement; and
- (ii) the Director, at his sole discretion, to exclude from GFA calculation the ancillary areas serving the parking spaces which have been disregarded from GFA calculation by the BA under the Revised Aboveground Parking Spaces Arrangement referred to in (i).

The aforesaid parking spaces and the ancillary areas disregarded from GFA calculation by the BA under the Revised Aboveground Parking Spaces Arrangement are collectively referred to as “Aboveground Parking Spaces”. LandsD will take into account such sub-clause in assessing the premium for the new lease and lease modification. If a lease contains such a sub-clause, exclusion of such Aboveground Parking Spaces from GFA calculation will be granted under lease during the building plan checking stage and no separate application to LandsD or payment of premium or administrative fee will be required.

(b) For existing leases containing GFA exemption provisions

For leases containing (i) the GFA exemption provision in **Appendix I** or (ii) leases without any specific GFA exemption provision for parking spaces provided at or above ground level but containing the GFA exemption flexibility provision for the Director to exclude from GFA calculation any floor space which has been excluded by the BA subject to payment of premium and administrative fee (e.g. the provisions in **Appendix II**), the lot owner may apply to LandsD for a consent letter to exclude the GFA of the Aboveground Parking Spaces from GFA calculation under lease in a manner to be specified in the consent letter (“the Specified Exempted GFA”). The issue of the consent letter will be subject to payment of premium and administrative fee for the Specified Exempted GFA. In the event of any subsequent changes in the GFA of the Aboveground Parking Spaces disregarded under the Revised Aboveground Parking Spaces Arrangement resulting in the GFA of the Aboveground Parking Spaces calculated under lease exceeding the Specified Exempted GFA stipulated in the consent letter, the lot owner is required to apply to LandsD for a further consent letter subject to payment of premium and administrative fee for the additional GFA

disregarded.

(c) For existing leases without GFA exemption provisions

For existing leases without any GFA exemption provisions mentioned above, the lot owner may apply to LandsD for a lease modification to add a GFA exemption provision similar to those in **Appendix II** to the lease together with a consent letter to exclude the Specified Exempted GFA from GFA calculation under lease. For such lease modification application submitted in conjunction with a consent application, the lease modification will be subject to nil premium, whereas the consent letter for the Specified Exempted GFA will be subject to payment of premium and only one administrative fee will be charged for the lease modification and the consent letter. In the event of any subsequent changes in the GFA of the Aboveground Parking Spaces disregarded under the Revised Aboveground Parking Spaces Arrangement resulting in the GFA of the Aboveground Parking Spaces calculated under lease exceeding the Specified Exempted GFA stipulated in the consent letter, no lease modification is required, but the lot owner has to apply to LandsD for a further consent letter subject to payment of premium and administrative fee for the additional GFA disregarded.

(d) Premium and Administrative Fee

- (i) To facilitate timely determination by LandsD of the Specified Exempted GFA, the lot owner shall provide LandsD with the GFA calculations of the Aboveground Parking Spaces on the basis of their GFA accountability under lease, which shall be certified by the Authorised Person appointed by the lot owner. LandsD will then consider and determine the Specified Exempted GFA and carry out premium assessment. LandsD reserves the right to require the lot owner to provide additional supporting information and/or documents to facilitate processing of the consent letter application and the lot owner shall within such time as required by LandsD provide the information and/or documents. The decision of LandsD on the Specified Exempted GFA will be final and binding on the lot owner.
- (ii) For consent letter applications involving only GFA exemption for private parking spaces at or above ground level and the ancillary areas serving such parking spaces disregarded from GFA calculation under the Revised Aboveground Parking Spaces Arrangement, premium will be charged at the standard rate as set out in **Appendix III** and, subject to review from time to time, an administrative fee at the current rate of \$78,900 (amount will be determined by LandsD from time to time) will be payable in addition to the premium. The standard rate for

calculation of premium is subject to review from time to time but in no event earlier than 1 April 2026. For consent applications involving GFA exemption for public parking spaces or for both public parking spaces and private parking spaces and the ancillary areas serving such parking spaces disregarded from GFA calculation under the Revised Aboveground Parking Spaces Arrangement, premium and administrative fee will be assessed in accordance with the existing mechanism on a case-by-case basis.

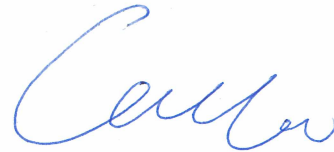
- (iii) For the avoidance of doubt, the standard rate applicable to premium assessment referred to in (ii) shall be the rate prevailing at the time of assessment irrespective of the date of the application, and the premium payable will be determined by LandsD at its absolute discretion and is non-negotiable.

Fast-track Approach

3. A fast-track approach will be introduced for processing applications for the lease modification and/or consent letter in paragraphs 2(b) and 2(c) above. For applications involving only GFA exemption for private parking spaces and the ancillary areas serving such parking spaces, LandsD aims to advise the lot owner of the terms and conditions of the lease modification and/or the consent letter as well as the premium assessed based on the standard rate and the administrative fee chargeable **within 10 weeks** upon receipt of a valid application. For applications involving GFA exemption for public parking spaces or for both public parking spaces and private parking spaces and the ancillary areas serving such parking spaces, LandsD aims to advise the lot owner of the terms and conditions of the lease modification and/or consent letter as well as the premium assessed in accordance with the existing mechanism on a case-by-case basis and the administrative fee chargeable **within 16 weeks** upon receipt of a valid application. Lot owners shall submit their applications together with the necessary information and documents as per the checklist in **Appendix IV** as soon as possible after the building plans submitted in respect of the Revised Aboveground Parking Spaces Arrangement are approved by the BA.

4. For the avoidance of doubt, this PN caters for lease modifications and/or consent letters in respect of the Aboveground Parking Spaces disregarded under the Revised Aboveground Parking Spaces Arrangement only. The fast-track approach and standard rate at **Appendix III** do not apply to applications for lease modification which also involve variations of some other terms and conditions in the lease, including but not limited to the exclusion of private and/or public parking spaces provided below ground level from the calculation of the total GFA under lease, in which case the lease modification will be processed under normal procedures and the premium will be assessed holistically under the conventional premium assessment mechanism.

5. Nothing in this PN shall in any way fetter, affect or prejudice the rights of the Government, the Director and their officers under the relevant lease or the Government's rights as lessor or landlord, and all such rights are hereby reserved. Besides, 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 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. This PN takes immediate effect.



(Maurice Loo)

Director of Lands

19 March 2025

Parking spaces etc.
excluded from gross
floor area
calculation

(a) For the purpose of calculating the total gross floor area referred to in Special Condition No. () () hereof,

(i) there shall not be taken into account

(I) the spaces provided in accordance with Special Conditions Nos. () () (as may be varied under Special Condition No. () hereof) and () hereof if they are provided below ground level; and

(II) the spaces provided in accordance with Special Condition No. () hereof (as may be varied under Special Condition No. () hereof) if they are provided at or below ground level;

(ii) if the spaces provided in accordance with Special Conditions Nos. () () (as may be varied under Special Condition No. () hereof) and () hereof are provided at or above ground level or the spaces provided in accordance with Special Condition No. () hereof (as may be varied under Special Condition No. () hereof) are provided above ground level, 50% of such spaces together with 50% of the other areas including but not limited to lift lobbies, landings, pedestrian access routes, manoeuvring and circulation areas and plant rooms serving such spaces shall be taken into account for the calculation of the total gross floor area stipulated in Special Condition No. () () hereof as to which the decision of the Director shall be final and binding on the Purchaser.

(b) Notwithstanding sub-clause (a)(ii) of this Special Condition, the Director at his sole discretion may subject to the payment by the Purchaser of any premium and administrative fee as shall be determined by the Director exclude any spaces and other areas referred to in sub-clause (a)(ii) of this Special Condition from the calculation of total gross floor area stipulated in Special Condition No. () () hereof as to which the decision of the Director shall be final and binding on the Purchaser.

(c) For the purpose of this Special Condition, the decision of the Director as to what constitutes ground level or whether any space is at, above or below ground level shall be final and binding on the Purchaser.

... the Director at his sole discretion may:

- () in calculating the gross floor area of any building or buildings erected or to be erected on the lot ... exclude :

...

- () any structure or floor space other than that referred to in sub-clauses () () () , () () () and () () of this Special Condition, which has been excluded by the Building Authority from the calculation of gross floor area under the Buildings Ordinance, any regulations made thereunder and any amending legislation provided that the Director at his sole discretion may require the payment by the Purchaser of an additional premium and administrative fee as shall be determined by the Director for any structure or any floor space excluded under this sub-clause...

OR

... the Director at his sole discretion may:

- () in calculating the gross floor area of any building or buildings erected or to be erected on the lot ... exclude:

- () subject to the payment by the Purchaser of any premium and administrative fee as shall be determined by the Director:

...

- () any floor space or structure which has been excluded by the Building Authority from the calculation of gross floor area under the Buildings Ordinance, any regulations made thereunder and any amending legislation...

**Standard Rate for Calculation of Premium for
Exemption of Aboveground Private Parking Spaces
from Gross Floor Area (GFA) Calculation under Lease**

The rate stated below is only applicable to the exemption of private parking spaces at or above ground level and the ancillary areas serving such parking spaces which have been disregarded from GFA calculation by the Building Authority (“BA”) under the Revised Aboveground Parking Spaces Arrangement.

Standard Rate ⁽¹⁾	\$8,300/m ²
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(1) The rate refers to the unit rate per square metre of the Specified Exempted GFA (as defined in paragraph 2(b) of Practice Note No. 3/2025 (“the PN”)), which shall be calculated on the basis of the GFA accountability of the Aboveground Parking Spaces under lease as per paragraph 2(d)(i) of the PN. The premium to be charged is the rate as abovementioned multiplied by the Specified Exempted GFA. The Specified Exempted GFA will be rounded up to the nearest 0.1m² when calculating the premium payable. The premium payable will be determined by the Lands Department at its absolute discretion and is non-negotiable. For the avoidance of doubt, the standard rate is not applicable to applications involving GFA exemption for public parking spaces or for both public parking spaces and private parking spaces under the Revised Aboveground Parking Spaces Arrangement.

**Checklist for Submission of an Application for Lease Modification /
Consent Letter for Exemption of Aboveground Parking Spaces
from Gross Floor Area (GFA) Calculation**

A. Information/Documents that must be submitted for all applications ⁽¹⁾

- (i) A copy of a computer printout containing the current ownership particulars of the Property ⁽²⁾.
- (ii) If submitted by an agent, a written authorisation from the principal who should be the registered owner of the Property.
- (iii) If submitted by an individual applicant, a written confirmation that he has read and understood the Note on Use of Personal Information Required in the Application at the end of this Appendix and that he consents to disclosure of his personal data to other Government bureaux or departments for the purpose of considering and processing his application.

B. Information/Documents that must be submitted for application for consent letter ⁽¹⁾

- (i) A copy of general building plans (“GBPs”) approved by the Building Authority (“BA”) delineating the parking spaces at or above ground level and ancillary areas serving such spaces which have been disregarded from GFA calculation by the BA under the Revised Aboveground Parking Spaces Arrangement referred to in Lands Administration Office Practice Note No. 3/2025. (“Aboveground Parking Spaces”)
- (ii) GFA calculations certified by an Authorised Person engaged by the registered owners of the Property for the Aboveground Parking Spaces, prepared on the basis of their GFA accountability under lease.

C. Information/Documents that must be submitted for application for lease modification ⁽¹⁾

- (i) A detailed application letter clearly identifying the Property, the variations being sought in respect of any terms and conditions of the existing lease conditions.
- (ii) A copy of an up-to-date location/site plan on an appropriate scale (normally 1:1000) showing the Property.

Notes:

- (1) Please put a tick in the relevant box if applicable.
- (2) Property includes all lots involved in an application.

Note on Use of Personal Information Required in the Application

Purpose of Collection	The personal data provided in application pursuant to this Practice Note and Appendix III will be used by the Lands Department for the purpose of considering and processing the application. The provision of the personal data is obligatory. If you do not provide the personal data, the Lands Department may not be able to process your application.
Class of Transferees	The personal data you provided may be disclosed to other Government bureaux/departments for the purpose mentioned above.
Access to Personal Data	The individual who is the subject of the personal data has a right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule I of the Personal Data (Privacy) Ordinance (Cap. 486). Such right of access includes the right to obtain a copy of the personal data provided upon payment of the applicable charge.
Enquiries	Enquiries concerning the personal data collected, including the request for access and corrections, should be addressed to: Departmental Personal Data Controlling Officer of the Lands Department 20/F., North Point Government Offices 333 Java Road, North Point Hong Kong