

A Guide on Applying for Certificate of Compliance or No Objection to Occupy Letter by Self-certification of Compliance for New Territories Exempted Houses

This pamphlet sets out the general guidance and information of lot owners who have obtained permission to erect New Territories Exempted Houses (“NTEHs”) in the New Territories and wish to opt for self-certification of compliance for processing the applications for Certificate of Compliance and “No Objection to Occupy” Letter. This pamphlet is not intended to create any legal right or obligation. The guidelines and information set out below may be subject to revision from time to time.

BACKGROUND

The Lands Department (“LandsD”), as the land agent of the Government, may issue Certificate of Compliance and “No Objection to Occupy” Letter (hereinafter referred to as “CC”) in relation to the erection of NTEHs under the relevant land document (whether by way of conditions of grant, conditions of exchange, building licence, approval letter or otherwise) (“land document”), certifying that all the positive obligations imposed under the land document have been complied with.

2. The processing of an application for CC in relation to NTEHs by LandsD mainly includes consultation with relevant departments on compliance with all technical requirements, and on-site inspection of the completed building where the dimensions of the building, interior features (e.g. thickness of load-bearing/party wall, stairhood, kitchen and bathroom accommodation, and projection of balconies/canopy and orientation, etc.) and exterior features (e.g. septic tank and soakage pit system, etc.) would be checked. The time for processing an application for CC and issuing the CC would vary according to the complexity of the case.

OPTIONAL SELF-CERTIFICATION OF COMPLIANCE

3. To streamline and expedite the processing of applications for CC in relation to NTEHs, an optional self-certification of compliance (“SCC”) scheme is introduced, whereby lot owner(s) may at his own expenses appoint a registered professional¹ (“RP”) to prepare and submit an SCC.

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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).

WHO TO SUBMIT THE SCC?

4. The RP should be duly appointed and authorized by the lot owner(s) to act on his / her / their behalf to submit the SCC.
5. To ensure impartial and independent checking, the RP appointed for the SCC should not be or affiliated with the person submitting the Construction Completion Report [i.e. current Forms CE/4 or CE/5].

SCOPE OF APPLICATION

6. The SCC is only applicable to:
 - (a) The erection of a building in the New Territories in relation to which certificate of exemption (“CoE”) in respect of building works has been issued by the District Lands Officer (“DLO”) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) (i.e. NTEHs) irrespective of whether CoE in respect of site formation works or drainage works have also been issued;
 - (b) NTEHs of which the construction works have been completed and the building is ready for occupation; and
 - (c) NTEHs not falling under the circumstances / criteria set out by the respective technical department(s) where SCC will not be considered².

If the completed NTEH has non-conventional features that are not stated in the standard forms mentioned in paragraph 7 below, applicants are advised to seek preliminary advice from the relevant DLO before submitting an application for CC.

DOCUMENTATION

7. The RP is required to submit an SCC comprising the **Standard Report on Completed NTEH, Construction Completion Report, Owner’s Statement**, and other supporting documents and information, such as site plan(s), on-site photos, etc. and supporting document(s) required by relevant departments. The RP should refer to LandsD Lands Administration Office Practice Note Issue No. 1/2025 (“LAO PN No. 1/2025”).

² In general, where the DLO decides that the case is not suitable for processing an application for CC by SCC, the DLO will inform the lot owner upon issuance of relevant land document or Certificate of Exemption pursuant and subject to which the NTEH is to be erected.

PROCESSING TIMEFRAME

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 Documents³. For a valid application, the relevant DLO will proceed with departmental circulation and on-site inspection in parallel. 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 checking to verify the development parameters, building or technical specifications, installations or any items 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 issuing the 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 LAO PN No. 1/2025 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 AFTER ISSUING 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

³ "Requisite Documents" shall include Form 1 (completed by the RP) and Form 2 (completed by the lot owner) with supporting documents required by relevant departments. Please refer to LAO PN No. 1/2025.

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.

IMPLEMENTATION

13. The streamlined arrangement will first be implemented as a pilot scheme by the District Lands Office, Yuen Long with immediate effect. The relevant forms may be downloaded from LandsD's website at <https://www.landsd.gov.hk/en/resources/practice-notes/lao.html>.



14. RPs should refer to LAO PN No. 1/2025 for details of the SCC, including the procedures, required documents and certifications.

ENQUIRIES

15. For general enquiries, please call:

District Lands Office/North	2675 1502
District Lands Office/Sai Kung	2791 7019
District Lands Office/Shau Tin	2158 4700
District Lands Office/Tai Po	2654 1263
District Lands Office/Tsuen Wan and Kwai Tsing	2402 1164
District Lands Office/Tuen Mun	2451 1176
District Lands Office/Yuen Long	2443 3573
District Lands Office/Islands	2852 4265