



Measures to Avoid Encroachment onto Government Land

When owners (Grantees) proceed with development of their lots, there is the possibility that the proposed development may be contiguous with the lot boundary. When such situation happens there may be increased chances that the new development may unintentionally encroach onto the adjoining Government land.

2. In order to avoid any completed development extending beyond the boundary of the private lot, hence, onto Government land, Government expects Grantees throughout the development period will, through the Authorized Person (AP)¹ they have appointed, ensure that their developments will not encroach onto Government land or at least when encroachment is found, it will be rectified at the earliest possible time or otherwise unavoidable delay may be caused to their applications for the issue of Certificate of Compliance (C of C).

3. In preparing the general building plans (GBP) for approval by Buildings Department and Lands Department, the AP should ensure that the proposed development will not encroach onto Government land⁽²⁾. This may be done by providing in the GBP a block plan of the proposed development together with a table showing the lot boundary co-ordinates which are in line with the co-ordinates shown on the sale/grant plan provided or agreed by the District Survey Office.

4. Grantees are also advised, in drawing up tender documents for construction works, to ensure that the tender documents will specify that the contractor's setting out work shall be checked by an independent competent person, prior to the commencement of any construction work on site, which is in close proximity to the lot boundary. Thereafter the AP is required to confirm to the District Lands Office concerned that, having examined the report given to him by the independent/competent person, he believes that the construction work to be carried out will not encroach onto any adjoining Government land⁽²⁾.

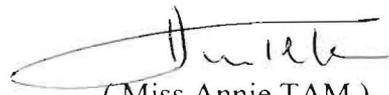
5. To facilitate the processing of applications for the issue of C of C upon completion of the development, the AP is required to submit to the District Lands Office concerned, a further confirmation certifying that the development is built in

⁽¹⁾ It is for the AP or his employer to consider as appropriate the appointment of any qualified professionals including land surveyor etc., as may be necessary, to assist with the work required here.

⁽²⁾ Subject to approval of the Building Department and Lands Department, installation or projection such as architectural or amenity features may be or are allowed to be constructed on or over government land.

accordance with the approved building plans and does not encroach onto Government land. The AP may, if he so wishes, jointly sign the letter of confirmation with the contractor and the independent competent person that he may have appointed.

6. If any encroachment onto Government land⁽²⁾ is found, I may require appropriate reinstatement of the encroached land including demolition of structures erected thereon. I may also exercise, upon application by the Grantee, the power under the General Condition of the lease to grant the encroached land as an extension subject to any conditions including payment of additional premium. However, Grantees should note that this is a discretionary power which I may elect not to exercise.



(Miss Annie TAM)

Director of Lands

19 June 2008

Sample Letter on Confirmation of Contractor's Setting out Works

To DLO

Lot No: _____(the Development)

Having examined the survey report prepared by the independent competent person (Name) _____ on the setting out works done by the contractor for the Development, I believe the proposed work will not encroach onto adjacent Government land, except for installations, projections, architectural or amenity features, formation or construction works etc. for which approval is to be obtained from Buildings Department and Lands Department such that they will be allowed to be constructed over Government land.

(Name) _____
Authorised Person

Date : _____

Sample Letter on Confirmation of Completion of Development

To DLO

Lot No: _____ (the Development)

I/we (Name) _____, Registered Contractor of the Development, certify that the completed construction works do not encroach onto Government land, except for installations, projections, architectural or amenity features, formation or construction works etc. for which approval have been obtained from Buildings Department and Lands Department such that they are allowed to be constructed over Government land.

(Name) _____
Registered Contractor

Date : _____

I (Name) _____, independent competent person employed for the carrying out of a final survey for the Development, certify that the construction works do not encroach onto Government land, except for installations, projections, architectural or amenity features, formation or construction works etc. for which approval have been obtained from Buildings Department and Lands Department such that they are allowed to be constructed over Government land.

(Name) _____
(Professional Capacity) _____
Independent Competent Person

Date : _____

The above development has been completed and in anticipation of the processing of the certificate of compliance for the Development, I (Name) _____, having examined the survey report prepared by the independent competent person (Name _____) for the completed construction works on the lot, confirm that the Development is built in accordance with the approved building plans and does not encroach onto Government land, except for installations, projections, architectural or amenity features, formation or construction works etc. for which approval have been obtained from Buildings Department and Lands Department such that they are allowed to be constructed over Government land.

(Name) _____
Authorised Person

Date : _____