

2231 3725
2845 1017
LACO/HQ/127 IV

9 August 2002

Legal Advisory and Conveyancing Office
Circular Memorandum No. 47

Lands Department Consent Scheme
Saleable area for utility platforms

It has become increasingly common for utility platforms to be constructed in new residential developments as one of the innovative 'green' features approved by the Building Authority under the Joint Practice Notes issued by the Departments of Lands, Planning and Buildings. Requests have been received by LACO for inclusion of these areas in the standard form of Agreement for Sale and Purchase ("ASP") to have the utility platform sold as part of a unit.

2. In addition, some developments also have A/C platforms which developers have sought to include as parts of "saleable areas".

3. The Government has decided that :

(a) Utility platforms

— A standard definition of "utility platform", as per Appendix A attached, shall be included as Clause 1(1)(s)(vi) of the standard residential ASP. Such platform should be separately specified and described as part of the saleable area of the unit both in Schedule 3 (which should be generally in the format as per Appendix B attached) and the sales brochures required under LACO Circular Memorandum No.40 (as varied).

(b) A/C platforms

The area of the A/C platform is not to be included in the calculation of saleable area of the unit. Therefore A/C platform or similar will not be allowed to be included as a variation in Clause 1(i)(s) of the standard form of ASP.

It is, however, considered not unreasonable to allow the developer to assign A/C platform to purchasers as part of the 'Property' with responsibility for maintenance

on unit owners. Any A/C platform, if sold together with the unit, can be included in Schedule 3 as a separate item forming part of the 'Property' but without that area being included as part of the saleable area of the unit or otherwise in "A." of Appendix B hereto.

Each A/C platform should be separately specified in the sales brochures and clearly labeled as not forming part of the saleable area of the unit.

4. The decision shall take effect immediately and the revised Clause 1(1)(s) and Schedule 3 should be adopted immediately for all consents to sell uncompleted residential units, including those currently being processed in LACO. For applications based on the standard form of ASP without other variation, Appendices A and B may be used without the need to obtain LACO's approval.

5. Developers and their solicitors are reminded that all items (as applicable) referred to in Clause 1(1)(s) of the standard ASP should be included in "A." of Appendix B and must not be described as "additional" areas or similar.

6. LACO Circular Memorandum No. 40 (as varied), to the extent it is applicable, is hereby further amended. Except as varied by this Circular Memorandum, all other terms of the Consent Scheme remain in full force and effect.

7. Copies of this Circular Memorandum and Appendices may be downloaded from the Lands Department website at www.info.gov.hk/landsd/.

(A.L. Robertson)
Deputy Director/Legal (Acting)
for Director of Lands

To : All Solicitors

Appendix A

- (vi) in relation to any utility platform not enclosed by a solid wall, the floor area measured from the external boundary and if it is enclosed by walls, the floor area of the said utility platform measured from the exterior of the enclosing walls or boundary of the said utility platform except where such enclosing walls or boundary separate two adjoining utility platforms, in which case the measurement shall be taken from the middle of those walls or boundary, and shall include the internal partitions and columns within the said utility platform; but shall exclude the common parts outside the enclosing walls or boundary of the said utility platform and exclude the whole thickness of the enclosing walls or boundary which abut onto any units Provided That if any of the enclosing walls or boundary abut onto a common area, then the whole thickness of the enclosing walls or boundary which so abut shall be included.

Appendix B

SCHEDULE 3

Property

ALL THAT the estate right title benefit and interest of and in ALL THOSE equal undivided parts or shares of and in the land which for the purposes of identification is shown on the Site Plan attached hereto and thereon coloured * and of and in the Development now under construction thereon and intended to be known as * TOGETHER with the exclusive right and privilege to hold use occupy and enjoy ALL THAT unit known as FLAT

on the FLOOR of TOWER [and Carparking Space No.] of the Development (as shown and designated * on the Floor Plan(s) [and Car Park Plan] hereto attached and thereon coloured *).

A. Saleable area of the said unit :

Approximately square metres of which approximately square metres belong to the balcony.

Saleable area of other items (if any) under Clause 1(1)(S)(*)

- Approximately square metres for the utility platform
- Approximately square metres for the bay window
- Approximately square metres for the [flat] roof
- Approximately square metres for the garden
- Approximately square metres for the cockloft
- Approximately square metres for the yard
- Approximately square metres for the terrace

Saleable area of the carparking space (if any)

Approximately square metres

* insert or delete as appropriate