

**DEVELOPMENT BUREAU
GENERAL CIRCULAR NO. 1/2024**

Adopting a Facilitating and Collaborative Mindset

(Note: This Circular should be read by the Directors of Bureau, Permanent Secretaries, Heads of Department and officers dealing with relevant matters.)

Purpose

This Circular requests bureaux and departments (B/Ds) to adopt a facilitating and collaborative mindset in processing land development-related applications; and sets out the policy directions of adopting proactive measures and actions by relevant authorities to achieve this objective.

Why Facilitate

2. Speeding up land and housing supply is one of the key priorities of the Government. A land development project, depending on its nature, may need to obtain various approvals at different stages: viz. planning regime (e.g. rezoning or planning application and compliance with approval conditions of planning permission), building regime (e.g. general building plan and structural plan submissions, issuance of occupation permit); and land administration regime (e.g. lease modification / land exchange, short-term tenancy application, certificate of compliance). In the application process, the developers have to meet, apart from statutory requirements, the regulatory requirements of different B/Ds and are often required to seek their approvals for relevant technical assessments or technical proposals. Examples include Environmental Impact Assessment to be agreed by Environmental Protection Department, Traffic Impact Assessment by Transport Department, and Fire Service Installation Plans by Fire Services Department. B/Ds, vested with statutory powers and / or authority under other instruments, are duty-bound to process applications and scrutinise submissions in accordance with relevant statutes, and their respective regulatory policies and objectives (such as public safety and hygiene, sustainable infrastructure and environmental protection).

3. Without undermining the public policy objectives underlying the development control, officers in B/Ds should adopt the mindset of a "facilitator" in processing development proposals and B/Ds should streamline the control and workflow as far as possible. This does not only expedite the development process for the greater community benefit, but also helps reduce development cost and time as well as create a more business-friendly environment. Through streamlining, B/Ds can also better utilise their staff resources to handle other more essential tasks / services for meeting the community's aspirations or responding to ad hoc and urgent commitments.

General Principles

4. At the regulatory regime level, B/Ds should, without compromising safety and standards, regularly review and update the requirements and procedures (statutory and administrative) as necessary for processing development applications to ensure they are well-justified and remain relevant to present-day needs. At the daily operation level, B/Ds should render appropriate and timely assistance to applicants in understanding the requirements, and how such requirements may be fulfilled. It is our ultimate objective to facilitate applicants (which have good intention to comply with the rules and regulations) to comprehend and comply with the requirements so that the development could be brought to early fruition. The approach set out in the ensuing paragraphs is intended to guide B/Ds to review and examine their existing control regimes and work practices.

I. Think Twice: Why requiring Government's approval; and whether rationale for such still justified / valid

5. Development-related requirements are stipulated in the statute or various administrative instruments (such as practice notes, codes, design manuals and guidelines). B/Ds should ensure that such requirements and the need for seeking approval by Government is fully-justified having critically considered –

- (a) whether the requirements / matters for approval are **fundamental and essential** from the public policy angle (such as public safety and health), **absolutely necessary** for and **relevant** to the intended purposes;
- (b) for requirements / matters satisfying (a) above, whether self-certification / an independent checking mechanism may be adopted (instead of applicants seeking Government's approval) to share out Government's workload in the processing of cases and therefore expedite the process.

By “self-certification” or “independent checking”, there should be enforcement and auditing / monitoring tools available to B/Ds so that the Government could intervene where necessary (e.g. when the professionals fail to exercise due diligence in certification).

II. Think from Applicants’ Perspective

6. For matters on which approval by B/Ds is absolutely necessary (i.e. satisfying the “tests” in paragraph 5(a) and not suitable for going down the route of “self-certification” in paragraph 5(b)), we request B/Ds to consider from applicants’ perspective and put in place measures to facilitate the process thereby creating a more business-friendly environment.

7. More specifically, B/Ds should critically review whether the requirements / matters in administrative instruments are intended to be prescriptive or performance-based. If it is the latter, B/Ds should be ready to accept alternative approaches proposed by applicants which could achieve the same intended outcomes of the stipulated requirements (the onus on the applicants to demonstrate) rather than applying them rigidly.

8. All relevant B/Ds are expected to take heed of and adopt the following good practices—

- (a) **promulgate and adhere to a timeframe / output-orientated performance pledge** for processing applications / submissions and reverting specific response and comments to the applicants to enhance transparency and monitor performance. Such pledges may be stipulated in the law, in administrative instruments (e.g. practice notes and circular memorandum) or simply be stated on B/Ds’ websites. Compliance with the pledge should not be affected by posting change or leave arrangement. This allows applicants to factor in the time required for processing and plan ahead in the overall development programme with more certainty. In handling applications / submissions referred by other B/Ds, the concerned B/Ds should also provide timely responses and adhere to the deadline set for replying unless with good reasons. The processing B/D should ensure timely response from other B/Ds consulted and flag up to appropriate level once the deadline is missed;
- (b) **promulgate clear and user-friendly submission guidelines, frequently asked questions and checklists**, etc. to facilitate preparation of submissions with the required documents and also to ensure consistency within B/Ds. This should also minimise the need for submission of

supplementary information, which may lead to unnecessary workload on B/Ds and applicants;

- (c) **avoid repetitive procedures of same nature and actively explore parallel processing of different procedures** to shorten time required to go through relevant statutory and administrative procedures for the same development proposal in sequence;
- (d) **critically review the scope for deferring submission of certain assessments / information not crucial at the point of application.** An example is to give green light to the application with condition(s) that advancement to the next or specified stage is subject to satisfactory results of certain assessments to be conducted, or whether a simplified survey / assessment can be allowed for small-scale development;
- (e) **set up pre-submission enquiry / workshop mechanism** (convened / coordinated by the approving B/Ds with the presence of concerned B/Ds) so that applicants could seek views from relevant B/Ds to understand in a more specific manner of their requirements, especially those involving large-scale or complex projects or cross-disciplinary issues. The invited B/Ds should attend such meetings for direct discussion with the applicants to advise how to resolve the surmountable issues and facilitate further processing of the projects;
- (f) **establish communication channels between applicants and relevant processing officers** (such as a designated contact point at appropriate level to facilitate effective communications). B/Ds should also devise a mechanism to ensure the communication channels will not be affected by posting or leave arrangement throughout the application process and at post-approval submission stage;
- (g) **provide specific and solid comments / seek information only on requirements / matters fulfilling paragraph 5(a) above, and in one comprehensive and exhaustive response rather than engaging in back-and-forth exchanges with applicants** to avoid the need of multiple revisions which may lead to delays in decision-making and inconsistency. Such initiative should also reduce administrative burden. As a general guideline, any comments / responses not covered in the first substantive reply but conveyed subsequently should be premised on new information / new developments not available at the time when the first reply was given. If B/Ds request for supplementary information, such request should be clearly stated in the first substantive reply and should not be made subsequently;

- (h) **handle submissions and applications in consistent manners throughout the whole development process.** B/Ds should make sure comments given at different development stages are consistent and not contradictory. Officers are acting on behalf of their B/Ds and changes in office-bearers / processing offices should not result in inconsistency / change in the approach of handling the same submission / application within the same B/Ds. For example, checking of completed works should be based on the proposals approved but not adding new / revised requirements unless the change in stance is a conscious decision of B/Ds with justifications given to applicants;
- (i) **ensure conditions attached to approval are squarely relevant to the policy intention / purview of the respective control regimes** (e.g. land use in planning regime and building safety in building regime). Avoid imposing conditions that can be more effectively tackled under other regimes;
- (j) **give clear and specific reasons for rejection** (for formal applications or pre-submission enquiries) instead of simply saying that the respective legislative provisions or bureau / departmental requirements are yet to be fulfilled, with an aim to **providing guidance** to the applicants to formulate alternative solutions to address the concerns or submission deficiencies. Where the processing B/Ds actually have some pointers on how the proposal can be modified to obtain approval, they should communicate to the applicant for so long as interest of Government is not compromised, especially those involving inter-departmental issues;
- (k) **devise a mechanism** to promote / facilitate the consideration of **innovative ideas / processes / approaches** in lieu of performance-based administrative requirements; and
- (l) **devise an internal mechanism to escalate unresolved issues to higher level for steer when needed** to avoid the outstanding issues / matters drifting along indefinitely. B/Ds should put in place mechanism to trigger alert to senior officers (preferably at directorate rank) on outstanding applications and cases with repeated rejections or resubmissions. When submitting the case to higher level, the processing officers should document considerations behind the repeated rejections and resubmissions for an informed decision.

9. Selected existing arrangements by B/Ds adopting respective principles / practices are listed at **Appendix** for reference.

Monitoring Mechanism

10. A **director** officer in B/Ds involving in the development control process should be designated to oversee compliance with the facilitating and streamlining measures set out above, to promote relevant measures within B/Ds, and to drive the change in mindset (e.g. through workshops and guidelines). An internal mechanism should be established to regularly review requirements in administrative instruments to ensure they remain relevant (e.g. in light of new local or overseas developments) and actively consider the scope for cutting down outdated or repetitive codes / guidelines / practice notes.

11. A **Steering Group on Streamlining Development Control (Steering Group)** has been set up under the Development Bureau (DEVB) to review and streamline development controls and expedite land and housing development process. It oversees the streamlining and facilitating efforts of the Government in expediting land development. Representatives of B/Ds will be invited to attend the Steering Group convened by the Under Secretary for Development on regular basis or as necessary. With the promulgation of this Circular, the Steering Group will invite B/Ds to report progress with implementation of policy directions on a half-yearly basis.

12. A **Joint Sub-committee** on Streamlining Development Control has been set up under the Land and Development Advisory Committee to provide a platform for the stakeholders and Government to exchange views on streamlining issues and discuss new streamlining initiatives. This has also provided an institutionalised channel for the trades to put forward any streamlining / facilitating initiatives. We will circulate views and suggestions from the trades from time to time for B/Ds' consideration and necessary follow up.

Enquiries

13. Enquiries on this Circular should be addressed to Engineer(Planning), of DEVB at 3509 7733.

(David LAM)
for Secretary for Development

**SELECTED EXAMPLES OF FACILITATING MEASURES
IN APPROVAL PROCESSES IN DEVELOPMENT MATTERS**

A. Self-certification (c.f. para. 5(b)):

Item	Departments	Examples	Remarks
1.	Buildings Department (BD)	Self-certification for completion of simple demolition works, simple alteration and addition works, repair or replacement of curtain wall, window wall and cladding, and erection or alteration of signboards	Promulgated under BD's Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-13 and APP-21
2.	Electrical and Mechanical Services Department (EMSD)	Self-certification of new developed prescribed buildings on the compliance of Buildings Energy Efficiency Ordinance by Registered Energy Assessor	Promulgated under Buildings Energy Efficiency Ordinance (Cap.610)
3.	Environmental Protection Department (EPD)	Self-certification of Compliance of Road Traffic Noise Impact Assessment (RTNIA)	Promulgated under EPD's Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 4/23
4.	Lands Department (LandsD)	Self-certification of Compliance of Tree Preservation and Removal Proposal (TPRP) / Landscape proposal (LP)	Promulgated under LandsD's Lands Administration Office Practice Note (LAOPN) Nos. 6/2023, 1/2020A and 1/2020
5.	LandsD	Self-certification of Compliance on Provision of Sales Office and Show Flats	Promulgated under LAOPN No. 5/2022

6.	Planning Department (PlanD)	Self-certification of Compliance of Approval Conditions for completed landscape works and site reinstatement works	Promulgated under PlanD's Practice Note for Professional Persons (PDPN) Nos. 1/2019 and 1/2022
----	-----------------------------	--	--

B. Timeframe / performance pledge (c.f. para. 8(a)):

Item	Departments	Examples	Remarks
1.	BD	Target of approving about 80 per cent of general building plan (GBP) submissions for high-yield private residential projects with 500 units or more on their first or second submission ¹	Promulgated through 2022 Policy Address, BD's press release and circular letter dated 15 March 2023 under "Dedicated Processing Units for High-yield Residential Projects and Transitional Housing Projects"
2.	EMSD	Processing time for issuance of use permit for new lifts / escalators is not more than around 13 days	Promulgated through EMSD's website under "Performance Pledges and Pledge Performance"
3.	EPD	Set targets for the processing time for approval of construction noise permit (CNP) and approval of new emergency generators Enable web-based CNP application and vetting system (e-CNP system) to enhance the efficiency and user-friendliness	Promulgated on EPD's website under "Performance Pledge" The e-CNP system soft-launched in November 2023

¹ BD established "Dedicated Processing Units" (DPU) in March 2023 to process GBP submissions for high-yield private residential projects with 500 units or more. DPU is to adopt a "facilitator" mindset to assist relevant professionals by rendering assistance proactively and providing facilitation in an early stage, with the involvement of senior officers as appropriate, so as to expedite the approval of plan submissions. A target has been set to approve about 80 per cent of GBP submissions for these projects on their first or second submission, provided that the projects have no planning, major land or fire safety issues.

4.	Fire Services Department (FSD)	Processing time for new submission and resubmitted / amended submission of GBP are 40 days and 20 days respectively. Regarding the Fire Service Installation initial inspection would be arranged within 15 working days after receipt date of the application and a certificate (FS 172) would be issued within 7 working days after document checking / drawing amendment	Promulgated on FSD's website and FSD Circular Letter No. 2/2021
5.	Highways Department (HyD)	Processing time for issuance of Excavation Permit (XP) within 10 working days (subject to obtaining other relevant consent(s) from other relevant department(s) by applicant)	Promulgated through HyD's website under "Performance Pledge"
6.	LandsD	Promulgate Circular Memorandum (CM) on Title checking in land exchange and resumption cases	Promulgated under Legal Advisory and Conveyancing Office CM No. 85
7.	LandsD	Processing time for Approval or Consent under Lease during general building plan checking stage	Promulgated under LAOPN No. 4/2021
8.	PlanD	Time required for processing application submissions to the Town Planning Board (TPB) and development proposals to PlanD	Promulgated under PlanD's PDPN No. 1/2024

C. Submission guidelines, frequently asked questions and checklists (c.f. para 8(b)):

Item	Departments	Examples	Remarks
1.	BD	Provide Checklists on fundamental issues of different types of plans, applications for consent to commencement of superstructure works and occupation permit (OP)	Promulgated under BD's PNAP ADM-19, APP-13 and APP-97
2.	Development Bureau (DEVB)/	Issue standard enquiry form for "Assistance to Brownfield Operations affected by Government's Land Resumption and Clearance Exercises for Government Projects"	Promulgated on DEVB's website

	PlanD/ Transport Department (TD)		
3.	EPD	Issue Guidance Notes to assist project proponents in carrying out environmental assessments and obtaining CNP applications	Promulgated on EPD's website
4.	EPD	Issue Guidance to simplify the preparation and standardise the submission of Construction Noise Management Plan	Promulgated under EPD's ProPECC PN 1/24
5.	FSD	Documents required for Application for Compliance Inspection of Fire Service Installations and Equipment	Promulgated under FSD circular letter No. 2/2021
6.	FSD	A checklist is devised for Authorized Person (AP), Registered Professional Engineer (RPE) and Registered Fire Service Installation Contractor (RFSIC) and building owner document preparation	Promulgated on FSD's website and FSD Circular Letter No. 2/2021
7.	HyD	Provide Guidelines for XP management including Excavation Permit Processing Manual	Promulgated on HyD's website
8.	LandsD	Guidance notes, Checklists and Standard Forms for streamlining development submissions	Promulgated under relevant LAOPNs, e.g. Nos. 6/2023, 6/2022 and 1/2017
9.	LandsD	Provide Guidelines and Checklist for Applications for Lease Modifications, Land Exchanges, Privates Treaty Grants and Other Land Transactions	Promulgated under LAOPN Nos. 8/2023 and 2/2023
10.	PlanD	Issue Guidance Notes on planning applications and frequently asked questions on streamlining procedures under the amended Town Planning Ordinance	Promulgated on TPB's website
11.	TD	Guideline on Application for Long / Wide Load Permit	Promulgated on TD's website
12.	TD	Checklist of Traffic Impact Assessment (TIA) for	Promulgated on TD's website

		development projects	
13.	Water Supplies Department (WSD)	Guide to Applications for Water Supply which includes, amongst others, a checklist on documents for inclusion in the plumbing proposal submission	Promulgated through WSD's circular letter with regular updating
14.	WSD	List of common pitfalls in plumbing proposal submission	Promulgated on WSD's website

D. Avoid repetitive procedures / parallel processing of different procedures (c.f. para. 8(c)):

Item	Departments	Examples	Remarks
1.	BD	Accept concurrent applications and granting of approval and consent. Concurrent processing of final amendment plan and certificate of completion for pile foundations. Granting of consent for the commencement of driven piles without completion of proof load test on trial piles	Promulgated under BD's PNAP ADM-19, APP-18 and circular letter dated 27 February 2023
2.	LandsD	Parallel processing arrangements of TPRP, LP and Landscape Master Plan and deemed approval for fulfilment of tree preservation clause and / or landscape clause	Promulgated under LAOPN Nos. 6/2023, 1/2020A and 1/2020
3.	LandsD	Streamlined local consultation arrangements to avoid repeating the public consultation in planning process	Informed the industry in their existing established channels
4.	PlanD	Allows greater flexibility to obviate the need for applications for extension of time for commencement or fresh applications due to lapse of planning permissions	Promulgated under TPB Guidelines No. 35D
5.	PlanD	Allows greater flexibility and streamlined procedures for Class A and Class B amendments to approved development proposals	Promulgated under TPB Guidelines No. 36C
6.	PlanD	Revisions to the Master Schedule of Notes and Definition of Terms to streamline planning application process,	Promulgated on TPB's website

		achieve better comprehension and reflect the latest planning circumstances	
--	--	--	--

E. Deferring submission of certain assessments / information required (c.f. para. 8(d)):

Item	Departments	Examples	Remarks
1.	BD	Staged Submission of Essential Information on GBP	Promulgated under BD's PNAP ADM-19
2.	EPD	Quantitative Construction Noise Impact Assessment & Fixed Noise Sources Impact Assessment to be conducted at later stage of the project for designated projects under the Environmental Impact Assessment Ordinance (EIAO)	Promulgated under EIAO Guidance Notes Nos. 9/2023 & 16/2023
3.	LandsD	3-stage GBP Checking Process	Promulgated under LAOPN No. 4/2018

F. Pre-submission enquiry / workshop mechanism (c.f. para. 8(e)):

Item	Departments	Examples	Remarks
1.	BD	Pre-submission enquiry services	Promulgated under BD's PNAP ADM-19
2.	EPD	Pre-submission meeting arrangement, i.e. Environmental Study Management Group for Environmental Impact Assessment reports	Promulgated under EPD's EIAO Guidance Note No. 2/2010
3.	FSD	A pre-inspection meeting will be conducted on a need basis amongst FSD's Inspecting Officers, AP, RPE and RFSIC before on-site inspection	Promulgated on FSD's website and FSD Circular Letter No. 2/2021
4.	LandsD	Workshop Arrangement for GBP submissions	Promulgated under LAOPN No. 4/2018
5.	PlanD	Pre-application meeting arrangement	Promulgated under PlanD's PDPN No.

			1/2024
--	--	--	--------

G. Clear and specific reasons for rejection, and providing guidance for alternative solutions (c.f. para. 8(j)):

Item	Departments	Examples	Remarks
1.	BD	Accept alternative designs to allow flexibility for innovation and to cater for situations where there is genuine difficulty in complying with the prescriptive requirements	BD's guidelines promulgated in various codes of practice and practice notes, e.g. Code of Practice for Fire Safety in Buildings 2011 (June 2023 Edition), PNAP APP-130, 132 and 152
2.	FSD	Clear and specific reason will be provided to the applicant if the GBP submission or FSI acceptance inspection are found unsatisfactory	A reject letter stating the specific reason of rejection will be issued to the applicant

H. Facilitating innovative ideas / processes / approaches (c.f. para. 8(k)) :

Item	Departments	Examples	Remarks
1.	BD	BD welcomes building professionals to make use of the pre-submission enquiry and conference arrangement to discuss the use of any new structural theory, materials or systems, sophisticated designs and unconventional construction methods	Promulgated under BD's PNAP ADM-19
2.	BD	To facilitate wider use of Modular Integrated Construction (MiC) for private building developments, BD has set up a pre-acceptance mechanism providing curtailed assessment on MiC systems / components so that the industry would have greater confidence in using such systems / components for local	Promulgated under BD's PNAP ADV-36

		projects	
3.	BD	To facilitate the application of innovative building materials and technologies (IBMT) in private development projects, BD has set up a pre-acceptance mechanism for providing curtailed assessment on building, drainage and structural IBMT, so that the industry would have greater confidence in using IBMT for their projects	Promulgated under BD's PNAP ADV-38
4.	EPD	EPD welcomes and facilitates the use of Centralised Environmental Database (CED) for environmental assessments	Promulgated on EPD's website
5.	EPD	EPD provides guidelines and case examples of Innovative Noise Mitigation Designs (INMD) for swift applications in private residential development projects to tackle road traffic noise	Promulgated under EPD's ProPECC PN 5/23
6.	EPD	EPD promotes and facilitates preparation of air quality modelling assessment through setting up of WebGIS-based Smart Air Modelling Platform	Promulgated on EPD's website
7.	FSD	Fire engineering approach could be adopted as an alternative solution to those buildings where the compliance with prescriptive standard is technically difficult.	Promulgated through Code of Practice for Minimum Fire Service Installations and Equipment and Code of Practice for Fire Safety in Building 2011

I. Mechanism to escalate unresolved issues to higher level for steer when needed (c.f. para. 8(I)):

Item	Departments	Examples	Remarks
1.	BD	BD's Building Development Information System will	Informed the industry in their existing

		automatically alert officers at chief level on plan submissions and applications for occupation permit which were withdrawn and resubmitted for two or more times	established channels
--	--	---	----------------------