

**Application for Addition or Alteration of
Vehicular Run-in/out for Existing Buildings**

Information Note

Introduction

Vehicular run-in/out of private buildings is under the control of the relevant legislations (such as the Buildings Ordinance (Cap. 123)). Some leases¹ also contain restriction on vehicular access points. If the building owner proposes to add or alter the vehicular run-in/out, he/she shall submit an application to relevant government departments for approval.

Areas of Work of Relevant Departments

2. The addition or alteration of vehicular run-in/out involves issues under the jurisdiction of different government departments. In general, the applicant shall submit his/her application to all relevant departments at the same time to facilitate them to process the application according to their respective area of responsibility at the earliest opportunity. These applications usually involve the uses of roads and land. The relevant government departments and the issues of concern are as follows:

Transport Department — To look into traffic and pedestrian safety, and examine the engineering design and construction arrangements of the proposed vehicular run-in/out including temporary traffic arrangements.

Lands Department — To consider the matter from land administration perspective, including but not be limited to whether the proposed vehicular run-in/out is permitted under lease and whether there is any occupation or use of unleased or unallocated Government land (other than public roads). °

Notes:

¹ All references to "lease" in this Information Note cover Government Lease or Conditions of Sale / Grant / Exchange, etc. (as the case may be) and "leases" shall be construed accordingly.

Other government departments or Organizations — Depending on specific circumstances of the application (e.g. when the application involves works on adjoining roads, such as public roads or village roads, alteration of building structure or nearby public utilities such as underground pipelines or cables), the applicant shall apply for the proposed works/alternations in accordance with the requirements of the law, relevant departments and public utility companies. In case of doubt, the applicant shall seek legal and professional advice.

Points to Note

3. Before submitting an application, the applicant shall consider and evaluate the following issues in depth and provide detailed elaboration in the application. If necessary, the applicant shall seek professional advice and consider employing professionals to prepare the application on his/her behalf.
 - a. In general, the applicant shall be the owner of the lot or property concerned.
 - b. The proposal shall comply with the lease conditions. The applicant shall check and confirm whether the lease conditions contain any restriction on vehicular access points and other restrictions which preclude the proposal. The applicant may obtain at his/her own expense a complete set of the lease governing the relevant lot at the Land Registry and may seek independent professional advice as appropriate. If the proposal requires a lease modification, temporary waiver, etc., the lot or property owner or his/her authorized agent may make an application to the Lands Department. They may make enquiry with the relevant District Lands Office about the procedures in making such application. However, there is no guarantee that the application for lease modification, temporary waiver, etc. will be acceded to. If the application is approved, it will be subject to such terms and conditions, including the payment of premium and fee, as may be imposed or required by Lands Department. For the avoidance of doubt, Lands Department acting in its capacity as private landlord may, at its sole and absolute discretion, approve or reject any such application. This Information Note shall not constitute any representation on the part of the Government or give rise to any expectation on the part of the applicant that any application

submitted to Lands Department will be processed or approved.

- c. The applicant shall state the purpose of the proposed vehicular run-in/out, the reasons that the existing run-in/out does not meet his/her needs, and the reason that the needs have not been covered by the original property development plan.
- d. The applicant shall specify whether the proposed vehicular access will -
 - (i) pose risk to the safety of pedestrians and other road users;
 - (ii) involve alteration to the building plans;
 - (iii) affect adjoining road (including carriageway and footpath) or private land. For the latter, the applicant shall identify the owner(s) and the management authority;
 - (iv) affect existing at-grade and underground facilities (including the facilities of the government or public utility companies, and underground pipelines or cables, etc.).
- e. The applicant shall specify the engineering design and construction arrangement for the proposed vehicular run-in/out.

4. In general, the leases or licenses for development of village houses² in the New Territories usually provide that the Government does not guarantee any right of way to the lot and the lessee or licensee shall make his/her own arrangements for acquiring such right of way. Hence, the Government will not normally consider any proposals for changes, such as provision of ramps, lowering of drop kerbs, removal of railings, to any access roads, passageways, footpaths, etc. adjoining or in vicinity to a village house for the provision of a vehicular run-in/out.

5. If the vehicular run-in/out will affect any public roads maintained by Highways Department, after obtaining the approval of the relevant departments for addition and/or alteration of the vehicular run-in/out, the applicant shall also submit the engineering design and construction arrangement to Highways Department for

² Village houses in the New Territories generally refer to those village houses situated in the New Territories which by virtue of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) are exempted from certain provisions of the Buildings Ordinance (Cap. 123) and its subsidiary regulations (such as the need of obtaining approval and consent to the commencement of building works under the Buildings Ordinance (Cap. 123) from the Building Authority).

comment. If the construction works involves any excavation on public roads maintained by Highways Department, the applicant shall obtain a valid "Excavation Permit" from Highways Department before the commencement of the relevant works. The related application procedures could be found via the following link of Highways Department:

http://www.hyd.gov.hk/en/publications_and_publicity/publications/technical_document/xppm/related_documents/simplified_guidelines/index.html

(Content is available in English only)

6. If the proposal is approved by the relevant departments, the applicant shall arrange for the construction of the vehicular run-in / out in accordance with the approved design.

7. The above information is for reference only. Depending on individual circumstances, the applicant may need to provide additional information to facilitate the processing of the application.

8. All rights to modify the whole or any part of this Information Note are hereby reserved.