

Project Administration Handbook for Civil Engineering Works

2020 Edition

AMENDMENT NO. 7/2021

CHAPTER 3

LAND MATTERS

PARAGRAPH 3

MAIN PROCEDURES FOR PROVISION OF LAND

(a) Para. 3.5.2

Add the following paragraphs after the sub-heading “Clearance Application”:

(a) Pre-Clearance Survey (PCS)

Insofar as clearance of land is required for the implementation of government development projects, LandsD as the agent of the project bureau/department has, as a standard and established procedure, been conducting a PCS (commonly known as "freezing survey") to capture the occupation and status of the occupiers within the project area. The information so obtained will serve as a basis for assessment of eligibility for government's ex-gratia compensation and rehousing (C&R) arrangements for those residing/operating in the locality and are genuinely affected/to be cleared by the project. As a minimum requirement, an occupier is required to be registered in the PCS as a pre-requisite to be considered for C&R provisions (whether he/she is eligible ultimately will depend on his/her fulfillment of various other eligibility criteria).

Once a government project is confirmed to proceed and so made known to the public, it would be advisable to conduct the PCS to capture the occupation and status of the occupiers at the earliest possible juncture so as to prevent abusive acts to take advantage of the C&R provisions (e.g. to guard against those moving into the project area after they learned of the prospective development in order to benefit from C&R). Previously, each project bureau/ department or LandsD will decide the timing for conducting PCS for the project. Upon review, the Government sees room for improvement by

promulgating a general guideline for standardizing the timing, as detailed in paragraphs below, to better achieve the objective of the PCS in taking a snapshot of the ground situation as soon as the development plan is confirmed and announced in public.

With effect from 1 April 2021, in line with the policy intent for PCS to be conducted as and when the planned land use, development boundary and implementation programme of the project are confirmed and so announced in public, the PCS should be conducted in accordance with the following timing as a general practice:

- (i) where statutory town planning procedures are involved (e.g. rezoning of sites for public housing, New Development Areas, land sale), the PCS should be conducted at the date of gazettal of the draft OZP/OZP amendment or the date of publishing a planning application for public inspection, whichever is the earliest. If the supporting infrastructure for a project is not shown as part of the draft OZP/OZP amendment/planning application (e.g. road works, sewerage works), project bureau/department should decide and notify LandsD whether the PCS to be conducted at the date of gazettal of the draft OZP/OZP amendment/publishing of planning application should cover the area of supporting infrastructure, if so, the boundary of such area;
- (ii) where statutory town planning procedures are not involved but gazettal of a scheme for the project in question is required under other ordinances (e.g. road/sewerage works under Cap. 370 or railway works under Cap. 519), the PCS should be conducted at the date of gazettal of the plan and scheme; and
- (iii) for projects requiring clearance in due course but not covered by the scenarios in paragraphs 3.5.2 (a)(i) and 3.5.2 (a)(ii) above (e.g. drainage works not required to go through gazettal of plan and scheme under Cap. 370), the PCS date should be determined by the project bureau/department in consultation with DEVB and LandsD, in accordance with the policy intent stated at the beginning of this paragraph.

If any project bureau/department considers it not appropriate to conduct PCS for individual project according to the above guidelines due to overriding concerns, the project bureau/department should justify and defend their decision after consultation with DEVB and LandsD. For land sale site not captured by paragraph 3.5.2 (a)(i) above, the District Lands Office concerned should liaise with the DEVB to determine the timing for the PCS.

Under the prevailing practice, the lead bureau/department of a works project involving land resumption should submit a completed CAF to request for LandsD's preparation for land resumption and clearance. The CAF would enclose a finalized land requirement plan delineating the resumption/clearance limit of the development project with breakdown by respective ordinance(s) involved, along with the development programme.

Noting that the standardized timing in paragraph 3.5.2 (a)(i) above may pose difficulties to the project bureau/department in providing detailed delineation of land by the respective ordinance(s) to be invoked for resumption, the Government has promulgated a simplified CAF namely the 'Advance CAF' for project bureau/department to provide the necessary information for LandsD to kick start the PCS¹ at Appendix 3.1. The Advance CAF should be submitted together with a draft land requirement plan to LandsD at least 3 months before the intended date of PCS (e.g. the date of gazettal of the draft OZP/OZP amendment or the date of publishing a planning application for public inspection, whichever is the earliest, for a project caught by paragraph 3.5.2 (a)(i) above). The draft land requirement plan has to show the outer clearance boundary of the land involved for LandsD to carry out the PCS in one go. Unlike in the usual CAF, the project bureau/department will not be required to delineate the land by different ordinances to be invoked for resumption at the stage of Advance CAF because the manner of conducting the PCS would be the same. The usual CAF with the finalized land requirement plan under respective ordinances following the prevailing practice as mentioned in the paragraph above is still required from the project bureau/department at later stage for committing land

resumption (if applicable), actual land clearance and site handover date.

If the resumption/clearance limit of a project is enlarged and more landowners/ occupiers are affected, a supplementary PCS will be conducted to cover the enlarged project boundaries.

When the resumption/ clearance limit of a project is confirmed to be reduced by project bureau/ department after PCS, both the affected landowners/ occupiers and their structures previously covered by PCS but then fall outside the reduced resumption/clearance limit will be de-screened (at a time to be agreed by directorate level in LandsD).

(b) CAF

Replace “clearance application forms (CAF)” with “CAF”, add “A” after “Appendix 3.1” and delete “on the project boundaries and inform DLO in advance of the date it will submit CAF” after “project office should liaise closely with DLO” in second last paragraph.

(b) Para. 3.5.3

Add “A” after “Appendix 3.1” in item (a) of first paragraph.

(c) Para. 4.10

Replace “Development Bureau” with “DEVB” in last paragraph.

APPENDICES

(d) Appendix 3.1

Replace the appendix with that given in Annex A to this Amendment.

(e) Appendix 3.1A

Add “A” after “Appendix 3.1”.

Add “Annex A” to the right hand corner of the application form “APPLICATION FOR ACQUISITION & CLEARANCE OF LAND FOR THE USE OF THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

Add “Annex B” to the right hand corner of the return memo of CAF status.

CHAPTER 5

CONTRACT DOCUMENTS

ABBREVIATION

- (f) Replace “SPR” with “SPRs” in I.02.

PARAGRAPH 11

MISCELLANEOUS

- (g) Para. 11.6 Delete “Clause” after “under SPR” in the first paragraph.
Replace “SPR” with “SPRs” in the second paragraph.
- (h) Appendix 5.28 Replace “**SPR Appendix V(B)**” with “**Appendix V(B) of the SPRs**” in item b of Enclosure I.

CHAPTER 6

TENDER PROCEDURE

- (i) **SYNOPSIS**

Replace “SPR” with “SPRs” in the first and last paragraphs.

ABBREVIATION

- (j) Replace “SPR” with “SPRs” in I.02.

PARAGRAPH 2

GENERAL

- (k) Paras 2.1.2, 2.1.3, 2.1.5 Replace “SPR” with “SPRs”.

- (l) Para 2.5.1 Replace “SPR” with “SPRs” in the first paragraph and footnote 3.

PARAGRAPH 4

TENDERING

- (m) Para 4.3.1 Replace “SPR” with “SPRs” in the first paragraph.

PARAGRAPH 6

EXAMINATION OF AND REPORT ON TENDERS

- (n) Para 6.4 Replace “**SPR**” with “**SPRs**” and “SPR” with “SPRs” in the first paragraph.

(o) Para 6.17 **Replace “SPR” with “SPRs” in the second paragraph.**

(p) Para 6.18 **Replace “SPR” with “SPRs” in the first paragraph.**

Replace “SPR” with “SPRs” in the third paragraph, item (k) of the third paragraph and the fourth paragraph.

PARAGRAPH 8 ACTION PRIOR TO EXECUTION OF THE ARTICLES OF AGREEMENT

(q) Para 8.4 **Replace “SPR” with “SPRs” in the third paragraph.**

PARAGRAPH 9 EXECUTION OF THE ARTICLES OF AGREEMENT

(r) Para 9.1 **Replace “SPR” with “SPRs” in the third paragraph.**

CHAPTER 7 CONTRACT MANAGEMENT

ABBREVIATION

(t) **Replace “SPR” with “SPRs” in I.02.**

PARAGRAPH 6 PROGRAMME, PROGRESS & EXPENDITURE

(u) Para. 6.6 **Replace “SPR” with “SPRs” in the first paragraph.**

PARAGRAPH 13 VARIATIONS

(v) Para 13.1 **Replace “work” with “works” and “SPR Appendix V(B)” with “Appendix V(B) of the SPRs” in the third paragraph.**

Add “Pursuant to SPR 520(c), the cumulative value of contract variations in accordance with GCC Clause 60 for all contracts should not normally exceed 50% of the original contract value.” after the last sentence of the third paragraph.

Replace “Appendix” with “Appendices” in the fourth paragraph.

Replace “Appendix V(B) of the SPR” with “Appendix V(B) of the SPRs”, “variations under SPR” with “variations under SPRs”, “Item AI(a)” with “Item A.I(a)” and “Item AV” with “Item A.V” in the fifth paragraph.

Replace “SPR Appendix V(B)” with “Appendix V(B) of the SPRs”, “both deduction” with “a decrease”, add “in one area” after “in contract value” and “in another” after “increase in contract value” in the sixth paragraph.

Replace “SPR Appendix V(B)” with “Appendix V(B) of the SPRs” in the seventh paragraph.

Replace “SPR” with “SPRs” in the last paragraph.

(w) Para. 13.3

Add “Clause” after “GCC” in the second, third, fifth, sixth and eighth paragraphs.

(x) Para 13.4

Add “of the SPRs” after “Appendix V(B)” in the first paragraph.

Replace “For works contracts covered by the WTO GPA, the total value of additional works to be awarded to the same Contractor, other than variations ordered under Items A.I(a) and (b) set out in SPR Appendix V(B), must not exceed 50% of the original value of the Contract. Any additional works exceeding the stipulated 50% limit will need to be tendered separately.” with “Contract variations, especially those which are not provided for in the original contract, may amount to new procurements. For contract variations amounting to new procurements covered by WTO GPA, Works Departments shall ensure that all relevant requirements of WTO GPA (https://www.fstb.gov.hk/tb/en/business/gov_procurement/guide-to-procurement.htm#topic-3) are complied with. In case of doubt as to whether contract variations amount to new procurements covered by WTO GPA, Works Departments should seek legal advice from LAD(W)/DEVB.” in the second paragraph.

Replace “Works” with “work” and “SPR Appendix V(B)” with “Appendix V(B) of the SPRs” in the third paragraph.

Add “the” after “the Contract for” and replace “LA(W)” with “LAD(W)” in the fourth paragraph.

Replace “SPR Appendix V(B)” with “Appendix V(B) of the SPRs” in the last paragraph.

PARAGRAPH 14 CONTRACTUAL CLAIMS

- (y) Para 14.3 **Replace “SPR Appendix V(B)” with “Appendix V(B) of the SPRs” in the second and last paragraphs.**

Replace “August 2018 version of SPR” with “August 2018 version of SPRs” in the last paragraph.

PARAGRAPH 20 CONTRACTS INVOLVING DESIGNS BY CONTRACTOR

- (z) Para 20.1 **Replace “SPR” with “SPRs” in the fourth paragraph.**

APPENDICES

- (aa) Appendix 7.39 **Replace “SPR” with “SPRs” at Abbreviations, Item A.3, Item C.7 and Item D.11 of Annex A.**

Replace “SPR” with “SPRs” at Abbreviations, Item E.4(c) and Item E.7(d) of Annex B.

CHAPTER 8 TERM CONTRACT WORKS

ABBREVIATION

- (ab) **Replace “SPR” with “SPRs” in I.02.**

PARAGRAPH 3 WORKS FOR AND BY OTHERS

- (ac) Para. 3.5 **Replace “SPR” with “SPRs” in item (b)(ii) of the first paragraph.**

PARAGRAPH 5 TERM CONTRACTS

- (ad) Para. 5.1 **Replace “SPR” with “SPRs” in the fifth paragraph.**

PARAGRAPH 6 REFERENCES

- (ae) **Replace “SPR” with “SPRs” in the last reference.**

APPENDIX 3.1 ADVANCE CLEARANCE APPLICATION FORM FOR ADVANCING PRE-CLEARANCE SURVEY

RESTRICTED

MEMO

From Project Office/Works Department

To DLO()_or relevant office / section of Lands Department

Ref. _____ in _____

(Attn.: _____)

Tel. No. _____

Your Ref. _____ in _____

Fax. No. _____

dated _____ Fax. No. _____

Date _____

Total Pages _____

Note: To prevent leakage of information in connection with land resumption and/or clearance which might lead to fraudulent claims for compensation or ex-gratia allowances or rehousing, access to the information relating to acquisition projects should be confined on a need-to-know basis (particularly the information showing the land resumption/clearance boundary, DC consultation dates, and the plan and scheme gazette / survey dates of the projects).

Project Title : _____

Annex A Attached herewith is an Advance Clearance Application Form (Advance CAF) for the above together with the draft Land Requirement Plan(s).

Annex B Please advise Advance CAF status and further action on the attached return memo.

Post Title (_____)
 Project Office/Works Department _____

c.c. Manager/Clearance(##), Clearance Unit, Lands Department (LandsD) [with draft Land Requirement Plan(s)]
 DO (.....)

*Delete whichever not applicable

#According to Chapter 3 paragraph 3.5.2 of the Project Administration Handbook for Civil Engineering Works issued by CEDD, for normal clearance, the application submitted by the project office should be signed by an officer of D1 rank, and for clearance to be treated as urgent, by an officer of D2 rank.

##Insert appropriate office of Clearance Unit of LandsD

RESTRICTED**ADVANCE CLEARANCE APPLICATION FORM**

Note 1: To prevent leakage of information in connection with land resumption and/or clearance which might lead to fraudulent claims for compensation or ex-gratia allowances or rehousing, access to the information relating to acquisition projects should be confined on a need-to-know basis (particularly the information showing the land resumption/clearance boundary, DC consultation dates, and the plan and scheme gazette / survey dates of the projects).

Note 2: The Advance CAF should be accompanied with seven copies of draft land requirement plan(s) showing the outer clearance boundary of all land affected by the development together with standard covering memo.

Part I

To be completed by project office / works department requiring clearance to be carried out
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Project Title :

1. Proposed outer clearance boundary of all land affected by the development (including site formation works, construction of supporting facilities/infrastructures, road works, sewerage works, etc.) is shown on the draft Land Requirement Plan(s)*
No.....(*on _____ attached _____ list)
*Mr./Miss/Ms.....of..... (Tel.)
will be able to give further information or discuss boundary adjustments.
2.
 - *(a) This project is item in Category of the Public Works Programme.
 - *(b) Application for upgrading to Category will be made on and you will be informed when this is approved.
 - *(c) This project is to be carried out under the Public Housing Development Programme to be approved by the Building Committee of the Hong Kong Housing Authority.
 - *(d) This project is under the Land Sale Programme
3.
 - *(a) Funds are available under Head subhead
 - *(b) Funds under Head subhead will be applied for on and you will be informed when they are available.

- * (c) Funds under Head should be available in and this will be confirmed to you then.
- * (d) Funds are available under the Block Vote Head subhead.....
4. Gazettal of *draft OZP/OZP amendment or planning applications available for public inspection will be made on

Part II

To be completed by DLO or relevant office / section of LandsD if Advance CAF is accepted

Clearance No. **Revision No.**

(if Advance CAF accepted) *(if Revision of boundary by project office/works departments)*

5. * (a) The private lots affected shown on the attached draft Land Requirement Plan(s) may be resumed by the Government of the Hong Kong Special Administrative Region and the date of reversion is subject to confirmation of clearance date and availability of funds by project office/works department under :
- * (i) Public Housing Development Programme approved by the Building Committee of the Hong Kong Housing Authority.
- * (ii) Head subhead.....
- Head 701 subhead 1004CA
(Compensation and ex-gratia allowances in respect of public housing projects to be undertaken by HKHA and HKHS (i.e. the project proponent is HKHA or HKHS) , surrenders and resumptions: miscellaneous)
 - Head 701 subhead 1100CA
(Compensation and ex-gratia allowances in respect of projects in the Public Works Programme)
- * (b) There is no private lot involved :
- * (i) no ex-gratia payment and / or compensation is required.
- * (ii) ex-gratia payment and / or compensation may be required and charged under :
- * (1) Head 701 subhead 1100CA
(Compensation and ex-gratia allowances in respect of projects

in the Public Works Programme)

- * (2) Head 701 subhead 1004CA
(Compensation and ex-gratia allowances in respect of public housing projects to be undertaken by HKHA and HKHS (i.e. the project proponent is HKHA or HKHS))
- * (3) Head 91 subhead 121 Item 719T
(Clearance of land sale sites/Contingency requirements)
- * (4) Head 91 subhead 121 Item 719X
(Other clearance & demolition work on government land)
- * (5) Head 91 subhead 221 Item 888
(Clearance of government land - ex-gratia allowances)

*
— Delete whichever not applicable

RESTRICTED

M E M O

<p><i>From</i> DLO() or relevant office / section of Lands Department</p> <p>_____</p> <p><i>Ref.</i> _____ <i>in</i> _____</p> <p><i>Tel. No.</i> _____</p> <p><i>Fax. No.</i> _____</p> <p><i>Date</i> _____</p>	<p><i>To</i> Project Office/Works Department</p> <p>_____</p> <p><i>(Attn.: _____)</i></p> <p><i>Your Ref.</i> _____ <i>in</i> _____</p> <p><i>dated</i> _____ <i>Fax. No.</i> _____</p> <p><i>Total Pages</i> _____</p>
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Note: To prevent leakage of information in connection with land resumption and/or clearance which might lead to fraudulent claims for compensation or ex-gratia allowances or rehousing, access to the information relating to acquisition projects should be confined on a need-to-know basis (particularly the information showing the land resumption/clearance boundary, DC consultation dates, and the plan and scheme gazette / survey dates of the projects)

Project Title : _____

 Clearance No. : _____

The Advance Clearance Application Form (Advance CAF) submitted vide your memo dated _____ is accepted for the purpose of conducting pre-clearance survey. However, please note that the site handover date can only be committed when a further Clearance Application Form for works under respective Ordinances with the finalized Land Requirement Plan(s) are submitted and accepted subject to your clarification/resolution on

- land use reservation approved under S12/ S16 of the Town Planning Ordinance (Cap. 131)
- the land resumption/clearance limit of the project with finalized land requirement plan(s) to be submitted by you
- the Ordinance(s) to be invoked for land acquisition.
- initiation by you to seek S for J's advice (justification of the project with regard to 'Public Purpose')
- *funds available under Public Housing Development Programme/the project being upgraded to Category B+ or A
- additional time to be provided for handling significance Fung Shui or grave

- problem
- Interface/boundary Problem
(Nature or scope of interface/boundary problem in brief _____)

By copy of this memo would Manager/Clearance(##), Clearance Unit of LandsD, please examine the clearance of land per detail listed in the Advance CAF (**Annex A**) herewith attached for conducting pre-clearance survey on

- *(a) the date of the gazettal of draft OZP or
- *(b) the date of the gazettal of OZP amendment or
- *(c) the date of publishing the planning application for public inspection or
- *(d) the date specified by project bureau/department.

Signed _____###
for DLO or relevant office /
section of LandsD

- c.c. M/Clearance(##), Clearance Unit
- SM/Clearance, LandsD
- CES/A, LandsD
- DO()
- *CLE/SC, DLO()
- *SES/SC, LandsD
- @ PLE/TF1, LandsD
- * Marine Dept. (if marine culture or structure is involved).
- *LCSD / FEHD / AFCD
- (To add relevant departments / offices where appropriate)

- ## Insert appropriate office of Clearance Unit of LandsD
- ### signed by CLE, SES or above.
- @ For non-PWP project affecting Government land only with acquisition cost charged under Head 91 Lands Department. Delete if the project is a PWP item.
- * Delete whichever is not applicable.
- Tick whichever is relevant.

EXPLANATORY STATEMENTS :(a) THE PURPOSE OF A PRE-CLEARANCE SURVEY (PCS)

- Insofar as clearance of land is required for the implementation of government development projects, LandsD as the agent of the project bureau/department has, as a standard and established procedure, been conducting a PCS (commonly known as “freezing survey”) to capture the occupation and status of the occupiers within the project area. The information so obtained will serve as a basis for assessment of eligibility for Government’s ex-gratia compensation and rehousing (C&R) arrangements for those residing/operating in the locality and are genuinely affected/to be cleared by the project. As a minimum requirement, an occupier is required to be registered in the PCS as a pre-requisite to be considered for C&R provisions (whether he/she is eligible ultimately will depend on his/her fulfilment of various other eligibility criteria).
- Once a government project is confirmed to proceed and so made known to the public, it would be advisable to conduct the PCS to capture the occupation and status of the occupiers at the earliest possible juncture so as to prevent abusive acts to take advantage of the C&R provisions (e.g. to guard against those moving into the project area after they learned of the prospective development in order to benefit from C&R).

(b) THE PURPOSE OF ADVANCE CAF

- To standardize the timing of conducting the PCS with a view to better achieve the objective of the PCS in taking a snapshot of the ground situation as soon as the development plan is confirmed and so announced in public, a simplified CAF, namely the Advance CAF is promulgated for project bureau/department to provide the necessary information for LandsD to kick start the PCS.
- Unlike in the usual CAF, the project bureau/department will not be required to delineate the land by different ordinances to be invoked for resumption at the stage of Advance CAF because the manner of conducting the PCS would be the same.

(c) ACTIONS REQUIRED ON THE PROJECT BUREAU / DEPARTMENT

- The project bureau/department should submit an Advance CAF together with a **draft** land requirement plan to LandsD **at least 3 months** before the intended date of PCS (e.g. the date of gazettal of the draft OZP/OZP amendment or the date of publishing a planning application for public inspection, whichever is the earliest). The draft land requirement plan has to show the outer clearance boundary of the land involved for LandsD to carry out the PCS in one go.
- If a project bureau/department is ready to provide the level of details as requested in the usual CAF at the time when PCS should be conducted (e.g. where the project **does not involve** statutory planning procedures and detailed delineation of land to be resumed is available at the time when its PCS should

be conducted), the project bureau/department may follow the established practice in submitting to LandsD the usual CAF for the purpose of the PCS, as well as requesting for LandsD's preparation for land resumption and clearance.

- Project bureau/department may consider whether to submit the Advance CAF before the usual CAF, or whether to follow the prevailing practice of submitting only the usual CAF along with the finalized land requirement plan, taking into account the readiness in providing detailed delineation of the land required by different ordinance(s) to be invoked, the time gap between PCS and actual resumption/clearance, among others.
- The usual CAF with the finalized land requirement plan under respective ordinances is still required from the project bureau/department at later stage of the project for the purpose of committing land resumption (if applicable), actual land clearance and site handover date.

(d) UPON RECEIPT OF THE ADVANCE CAF

DLO or Special Section of LandsD will :

- check any uncleared issues plus information according to Clearance Unit's advice and fill out and return **Annex B** of the Advance CAF submitted by the project office / works department and copy to the appropriate addressees.
- check the land status and 'A' Book to ascertain any affected building land. If building land is affected, peg the "cut-off" date to PCS date and issue the "cut-off" date letter accordingly.

Clearance Unit will :

- liaise with DLO or Special Section of LandsD as soon as possible to provide an estimate of the number of structures/occupiers to be cleared by conducting an unobtrusive survey.

(e) UPON ACCEPTANCE OF THE ADVANCE CAF

DLO or Special Section of LandsD will :

- complete the application form, enter the Clearance No. and Date on the Advance CAF and office register and forward one copy of the completed Advance CAF to Clearance Unit.
- keep in view and consider the usual CAF with the finalized land requirement plan under respective ordinances is required from the project bureau/department at later stage of the project for the purpose of committing land resumption (if applicable), actual land clearance and site handover date.