



**Application for Consent to Disposal under
Special Waiver for Conversion of an Entire Existing Industrial Building**

The special waiver for conversion of an entire existing industrial building issued pursuant to the Lands Department (“LandsD”) Lands Administration Office Practice Note Nos. 1/2010, 1/2010A and 1/2010B requires that, throughout the validity period of the special waiver, the owner of the lot or of a unit in the existing building on the lot (the “Assignor”) shall obtain the prior written consent of the Director of Lands (“the Director”) to sell, assign or otherwise dispose of the lot or the unit (the “Premises”) or to enter into any agreement so to do. The terms of the special waiver require the Assignor to procure an undertaking under seal in favour of the Government and the Director from the purchaser or assignee of the Premises (the “Assignee”) that the Assignee shall observe, comply with and be bound by all of the terms, conditions and covenants in the special waiver, and if the lot is in multiple ownership, be jointly or severally (or both) liable for the performance thereof with the owners of other interests in the lot and the existing building. The undertaking is also required to be endorsed by the charge / mortgagee of the Assignee, if any.

2. To reduce the time and administrative burden on owners desirous to sell, assign or otherwise dispose of the Premises, the prior written consent from the Director to sell, assign or otherwise dispose of the Premises will be deemed to have been given by the Director provided that the Assignor shall submit, prior to the sale or conveyance or any agreement so to do, an application for consent in the form of Appendix I to LandsD and complies with the conditions in the special waiver relating to the procurement and delivery of the said undertaking (in the form of Appendix II).

3. Furthermore, in respect of the undertaking to be procured from the Assignee in favour of the Government and the Director, it is no longer necessary to be endorsed with the consent of the chargee / mortgagee of the Assignee (if any).

4. Waiver letters under processing but not yet issued will reflect the streamlined arrangements as stated in paragraphs 2 and 3 above. For special waivers already granted, a letter will be issued by the LandsD to the concerned owners to give effect to the same

relaxation measures (the “Relaxation Letter”), without fees or charges to the owners of the Premises. The Relaxation Letter will be issued before or upon receipt of any application for consent to disposal.

5. This Practice Note is issued for general reference purposes only. All rights to modify the whole or any part of this Practice Note including Appendix I and Appendix II at any time are hereby reserved.

(Ms Bernadette Linn)
Director of Lands
2 June 2016

Appendix I

Application Form

**Application for Consent to Disposal under
Special Waiver for Conversion of an Entire Existing Industrial Building**

To : District Lands Officer, _____
[Contacts of the District Lands Offices are
set out in Lands Department’s website at
www.landsd.gov.hk/en/about/enquiries.htm]

Dear Sirs,

(Address of the building or lot, Lot number)
(No. of undivided share(s) of the Lot / Lots, if any)

I / We, _____ (name of the Applicants) _____, [as the (Sole Owner / Owners)*
of (Lot _____ / Lots _____ / Premises _____)*] hereby apply for a consent to sell, assign
or otherwise dispose of the [Lot _____ / Lots _____ / Premises _____]* under the Waiver
Letter dated _____ . The scheduled date of completion of the transaction is _____ .

I / We understand that upon receipt by the Director of Lands (the “Director”) of this
application, the consent of the Director to sell, assign or otherwise dispose of the
[Lot _____ / Lots _____ / Premises _____]* as required under Condition 10(a)(i) of the
said Waiver Letter will be deemed to have been given to me/us provided that I/we comply with
Condition (10)(a)(ii) and 10(b) of the said Waiver Letter.

* *Delete as appropriate*

Yours faithfully,

Applicant(s)’s Signature: _____
(H.K.I.D. Card Number(s): _____)

Name of the Applicant(s) in Block Letters: _____

Address: _____

Telephone Number: _____

Date: _____

Note :

All owners must sign in the capacity of applicants.

Appendix II

UNDERTAKING

To: The Government of the Hong Kong Special Administrative Region and
The Director of Lands

Re : * (insert lot no & address) (the "Lot") /
(insert no. of undivided shares of the lot and address) (the "Premises")

I/we, (insert name(s)), being the purchaser(s)/assignee(s) of *the Lot/the Premises under an Assignment dated the _____ day of _____, 20____, which Lot/Premises is/are held from the Government of the Hong Kong Special Administrative Region (the "Hong Kong Government") under Conditions of Sale/Grant/Exchange No. _____/New Grant No. _____ *(as varied or modified by a Modification Letter dated _____ and registered in the Land Registry by Memorial No. _____) subject to a Waiver Letter dated _____ and registered in the Land Registry by Memorial No. _____ @[which provisions are varied or modified by a letter dated _____ \$[and registered in the Land Registry by Memorial No. _____]] (hereinafter referred to as "the Waiver Letter"),
HEREBY *[JOINTLY AND SEVERALLY] UNDERTAKE COVENANT AND CONFIRM with the Hong Kong Government and the Director of Lands:

- (1) I/we shall observe, comply with and be bound by all the terms, conditions and covenants contained in the Waiver Letter as though I/we were a party to whom the Waiver Letter was addressed and accepting the same thereto # [and that I/we shall assume and perform such undertakings, indemnities, covenants, obligations

and liabilities on such joint and/or several basis as provided in the Waiver Letter with the other owners of the Lot and the Existing Building or any part thereof];

^ Insert only if building works for wholesale conversion are not completed

^{(2) I/we shall perform the covenants, obligations and liabilities of procuring the completion of all building works required or permitted under the Waiver Letter *[jointly with the other owners of the Lot and the Existing Building or any part thereof]} ^^[not later than the date stipulated in paragraph 2 of a Letter of Extension dated _____ issued by District Lands Officer];

^^ Insert only if an extension letter was issued to the assignor

(3) During the validity of the Waiver Letter, I/we shall not use *the Lot/the Premises or any part or parts thereof or allow or suffer the same to be used for any purpose other than for the permitted purposes as specified in the Waiver Letter *[and on terms as set out in the relevant schedule therein]; and

(4) During the validity of the Waiver Letter, I/we shall only be entitled to sell, assign or otherwise dispose of *the Lot/the Premises or any interest therein or enter into any agreement so to do upon the following conditions:-

- (i) I/we shall obtain consent of the Director of Lands to such sale, assignment or disposal; and
- (ii) I/we shall, as a condition of completion of the assignment or conveyance, procure the purchaser or assignee of *the Lot/the Premises to give an undertaking in favour of the Hong Kong Government and the Director of Lands similar to this Undertaking.

This Undertaking shall be registered by Memorial in the Land Registry by me/us contemporaneously with the registration of the assignment or conveyance of *the Lot/the Premises to me/us.

*IN WITNESS WHEREOF I/we have hereunto set my/our hand(s) and seal this _____ day of _____ 20_____.

SIGNED, SEALED and DELIVERED)
by (name of Purchaser(s)/Assignee(s)))
)
in the presence of :)

Solicitor,
Hong Kong SAR

*IN WITNESS whereof we have caused our Common Seal to be hereunto affixed this _____ day of _____ 20_____ .

SEALED with the Common Seal)
of (name of Purchaser(s)/Assignee(s)))
and SIGNED by)
)
in the presence of/)
whose signature(s) is/are)
verified by : -)

Solicitor,
Hong Kong SAR

- * delete whichever is inapplicable
- # include in the case of an assignment of Premises or there are co-owners of the Lot
- @ insert the date and Memorial No. of the relaxation letter issued by the Government providing for the Director's deemed consent to disposal upon application. [This is not necessary where the Waiver Letter provides for the deemed consent of the Director in the Waiver Letter.]
- \$ insert if the relaxation letter issued by the Government, providing for the Director's deemed consent to disposal upon application, has been registered in the Land Registry.

Dated _____ 20 _____.

[name of the Purchaser(s)/Assignee(s)]

TO

THE GOVERNMENT OF THE HONG
KONG SPECIAL ADMINISTRATIVE
REGION

and

THE DIRECTOR OF LANDS

UNDERTAKING

REGISTERED at the Land Registry by
Memorial No.

on