



Procedure on Processing of Waiver for Ground Floor of Industrial Building

Commercial use in industrial building will be in breach of lease conditions if the user clause of the lease is restricted to industrial purpose and will be liable to lease enforcement action by the Lands Department. Under such circumstances the owner of the premises has an obligation to apply to the Lands Department for a change of use. PN 2/2003 covers the application procedures for upper floor uses. This PN refers to ground floor uses only.

To speed up processing of applications for change of use for ground floor industrial premises, and to minimize the payment of forbearance fee when lease enforcement action has been taken against them, it is in their own interest that owners of ground floor premises should take the following steps:

- (1) Check whether the use is in contravention of the outline zoning plan.
- (2) If the use is one of the permitted uses under Column I of the relevant outline zoning plan, then the owner should submit an application to the relevant District Lands Office. In the submission, he should provide a plan showing the location and size of the property and ownership particulars to prove his title. The District Lands Office will after verifying the information provided consider the application and make an offer to the applicant after consulting concerned departments.
- (3) If the use is in contravention of the outline zoning plan, then in addition to making an application to the District Lands Office, the applicant should also submit an application to the Town Planning Board for approval of the use. The District Lands Office will only process an application after approval has been given by the Town Planning Board. The District Lands Office will, in normal circumstances, make an offer of a waiver to permit Town Planning Board's approved use on the premises to the applicant within 4 months from the date he receives Town Planning Board's approval.
- (4) In both cases, the applicant will be required to settle a non-refundable administrative fee before the case is processed. In addition, the applicant will also be required to pay a waiver fee based on the increase in market value of the premises arising from the change of use.

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Director of Lands
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