

Appendix I

Application Form

Application for

- (a) Lease Modification (or a Land Exchange) for Development of an Industrial Lot for High-tier Data Centre Use; or
- (b) Waiver for Data Centre Use in Part of an Industrial Building

To : [*For application under caption (a) above*]

District Lands Officer/ _____
[Contacts of the District Lands Offices are set out in Lands Department's website at www.landso.gov.hk/en/about/enquiries.htm]

[*For application under caption (b) above*]
Chief Estate Surveyor/Headquarters,
20/F, North Point Government Offices,
333 Java Road, North Point, Hong Kong.
Lands Department

Dear Sirs,

(Address of the building or lot, Lot number)

I/We, _____ (name of the Applicants), [as the (Sole Owner / Owners)* of (Lot _____ / Lots _____ / Premises _____ [including any undivided share(s) of the Lot / Lots])*] hereby apply for a (please specify) in respect of the Lease/Special Condition No. _____ of Conditions of _____ / Special Condition No. _____ of New Grant No. _____) under which the Lot No(s). _____ is/are held. Details of the proposal are provided on separate sheet(s) attached to the application.

[*(To be inserted for application under caption (b) above only)*]

I / We hereby expressly confirm and declare that :

- (i) the Premises are situated in a zone designated for [“Industrial”, “Commercial” or “Other Specified Use (Business)” uses (*please specify which town plan zoning for the existing industrial building*)] according to the prevalent statutory town plan No. _____ ; and

- (ii) the occupation permit No. _____ is the latest occupation permit issued by the Building Authority for the building of which the Premises form part and the age of the said building is not less than 15 years (calculated from the date of the said occupation permit No. _____).]

In order to facilitate consideration of my / our application, I / we attach the Checklist of Basic Requirements together with the required documents and information for your consideration.

I / We hereby expressly warrant and declare that the above information provided in support of my / our application is correct and genuine and I / we expressly acknowledge that I am / we are aware and accept that the decision on the application will be made by the Lands Department on the basis of the information supplied by me / us and may be immediately cancelled in the event that such information is found to be false or misleading. [Even though the waiver applied for has been approved and granted, I / we accept that such waiver may be terminated, and no part of the administrative fee paid for the application shall be refunded by the Lands Department.] *(Square-bracketed statement to be inserted for application under caption (b) above only)*

I / We further expressly acknowledge that the personal data provided by me / us in this application will be used by the Lands Department in connection with the processing of my / our application. The provision of any personal data requested in the application form is voluntary. I / We understand that if I / we do not provide sufficient information, the Lands Department may not be able to process my / our application.

I / We hereby authorize the Lands Department to disclose my / our personal data in the application and the attached documents to such Government Departments and any other body, organization or person(s) as it may see fit at its absolute discretion to obtain such information which is deemed relevant to my / our application, whether on policy or any other grounds.

I / We further authorize and direct and request any Government Department or other body which may be approached by the Lands Department to supply any and all information which it may require.

* *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: _____

Notes :

- (1) Details of the proposed development or proposed uses under application will need to be provided on separate sheet(s) attached to the application.
- (2) All owners must sign in the capacity of applicants.
- (3) This application and the separate sheet referred to in Note (1) above should be submitted in triplicate.

Checklist of Basic Requirements
for Submission of an Application for
(a) Lease Modification (or a Land Exchange) for Development of an
Industrial Lot for High-tier Data Centre Use; or
(b) Waiver for Data Centre Use in Part of an Industrial Building

A. Information / Documents that must be submitted ⁽¹⁾ :

General :

- | | | |
|-------|---|--------------------------|
| (i) | 2 copies ⁽²⁾ of a complete set of Government Land Grant documents (including all executed lease modification letters and extension letters, if any) affecting the property ⁽³⁾ . | <input type="checkbox"/> |
| (ii) | A copy of an up-to-date location / site plan on an appropriate scale (normally 1:1000) showing the property. | <input type="checkbox"/> |
| (iii) | 2 copies ⁽²⁾ of a computer printout containing the historical and current ownership particulars of the property. | <input type="checkbox"/> |
| (iv) | (a) If any of the registered owners is a limited company, 2 sets of certified true copies of its Certificate of Incorporation, Certificate of Change of Name (if applicable) and Notice of Situation of Registered Office. For overseas companies, documents equivalent to the above should be produced. | <input type="checkbox"/> |
| | (b) If there are any chargees/mortgagees, letter(s) from chargees/mortgagees confirming that they have no objection to / agree to enter into the proposed waiver letter/lease Modification Letter/Conditions of Exchange. | <input type="checkbox"/> |
| | (c) In the event of the lot or premises being in multiple ownership and unless otherwise consented to by LandsD, a summary list (in duplicate) certified by the solicitor acting for the applicants containing the names of all registered owners/chargees/mortgagees/ purchasers who have entered into an Agreement for Sale and Purchase of a unit or units (“Purchasers”) (if any) of the property together with details of number of undivided shares held by each owner and an undertaking by the solicitor to inform the Lands Department of any change in the names of the registered owners/chargees/mortgagees/ purchasers between the date of application up to the date of the waiver letter/lease Modification Letter/Conditions of Exchange; | <input type="checkbox"/> |
| (v) | A copy of the Town Planning Board approval letter for the proposed uses or development, if applicable. | <input type="checkbox"/> |
| (vi) | If submitted by an agent, a written authorization from all the registered owners and purchasers (if applicable) of the property. | <input type="checkbox"/> |

(vii) An energy saving plan for the planned data centre. ⁽⁴⁾

For Lease Modification (including a Land Exchange) only :

(viii) Details of the application clearly identifying the property concerned, the variations being sought in respect of any terms and conditions of the existing lease conditions including the modification of any restrictions and development parameters included in the existing lease conditions (e.g. proposed user, maximum gross floor area (GFA), GFA for the high-tier data centre part, site coverage, number of storeys/building height, etc.); and indicating :-

(a) whether the proposed development intensity is less than the maximum permissible intensity, and if yes, the proposed amount of GFA and the percentage in terms of the maximum permissible development intensity; and

Yes

(please provide detail)

No

(ix) Documents showing that the property concerned will be developed into a high-tier data centre satisfying the descriptions as set out at footnote 4 of the LAO Practice Note No. 3/2012, including but not limited to the conceptual design of the data centre.
(please provide details on separate sheet)

For Waiver only :

(x) 2 copies of a complete set of the building plans ⁽⁵⁾ last approved by the Building Authority for the part of the existing building under application and a schedule showing the total accountable GFA and total internal floor area ⁽⁵⁾ of part of the existing building under application.

(xi) 2 copies of all occupation permits ⁽⁵⁾ issued by the Building Authority for the existing building under application.

(xii) Details of the proposed operation of data centre in part of the existing building under the application with reference to footnote 1 of the LAO Practice Note No. 3/2012, including but not limited to the conceptual design of the data centre.
(please provide details on separate sheet)

(xiii) 2 copies of any building works proposal ⁽⁶⁾ for the part of the existing building under application, which should include certification :-

- of any change in GFA, site coverage, number of storeys and building height to the existing building; and
- that no other non-compliance with the lease conditions.

(xiv) If applicable, a certified copy of the Deed of Mutual Covenant (“DMC”) of the building and a written confirmation by the solicitor acting for the applicants as to whether there are any inconsistencies between the provisions of the DMC and the proposed data centre use. If so, a proposal as to how they are going to deal with the inconsistencies should also be submitted.

(xv) Does the applicant for waiver also wish to modify other lease restrictions (other than the user restriction) in association with the proposed data centre uses?

Yes

No

(Please provide detail on separate sheet if necessary)

(xvi) 4 copies of floor plan(s) ⁽⁶⁾ showing the property on an appropriate scale (but not larger than A3 size). Each of the floor plan(s) shall clearly indicate the extent of the property in coloured pink and specify the internal floor area of the property.

B. Information / Documents that will facilitate the processing of the application ⁽⁷⁾ :

(xvii) A copy of an extract of the relevant Outline Zoning Plan (together with the explanatory notes, as appropriate) showing the property.

(xviii) For an application which involves portion(s) of a lot, or sub-divisions of any lots, to assist the verification of site areas and site boundaries, all relevant assignment plans or Deed Poll plans should be provided together with any relevant information relating to the delineation of the boundaries of these sub-divisions.

(xix) 2 sets of sketch plans illustrating the proposed development of a high-tier data centre or the change in use of data centre, if available.

(xx) 2 copies of any submissions approved by other relevant authorities relating to the development proposal or other relevant study assessment reports, if applicable (e.g. Approved Master Layout Plans under the Town Planning Ordinance, Environmental / Traffic / Drainage Impact Assessment Reports etc.)

Notes :

- (1) Please put a tick in the relevant box if applicable unless otherwise specified; and delete as appropriate.
- (2) One set of documents should be certified by the Land Registry or by the solicitor acting for the applicant, while the other set may be a photocopy of the certified documents. Certification of the documents should be done not more than one month before submission of the application.
- (3) Property includes all premises or lots involved in a lease modification, land exchange or waiver application.
- (4) Applicant should make reference to the “Green Data Centre Practices” published by the Office of Government Chief Information Officer (http://www.ogcio.gov.hk/en/business/tech_promotion/green_computing/doc/Green_Data_Centre_Practices.pdf).
- (5) The plans and documents should be certified by the Authorized Person acting for the applicant.
- (6) The proposal and floor plan(s) should be prepared and submitted by the Authorized Person or other competent professionals acting for the applicant.
- (7) Any other information may be supplied in triplicate on separate sheet(s) attached to the application.