

Sample of an application

Application for Waiver for
Buffer floor and Lower floors of an Existing Industrial Building

To : Chief Estate Surveyor/Development Control,
Industrial Buildings Revitalisation Unit,
Lands Department

Dear Sirs,

(Address of the Buffer floor and the Lower floors (not exceeding three floors) of an Existing Industrial Building and lot number being subject of the application) (“the Premises”)

*I/We, _____ (name of the Applicant) _____, as the Sole Owner of the Premises hereby apply for a waiver in respect of the Premises held in relation to the *Lease/ Special Condition No. _____ of Conditions of _____ / Special Condition No. _____ of New Grant No. _____) under which *Lot No. _____ / Lots Nos. _____ *is/are held. Details of the proposal are provided on separate sheet(s) attached to this application.

*I / We hereby expressly confirm and declare that :

- (a) the proposed use of the Premises is permitted by the current land use zoning of the lot where the existing industrial building situates under the statutory plans, or by planning permission given by the Town Planning Board;
- (b) the conversion of Premises (including the buffer floor and the floors immediately below it (not exceeding three lower floors) of the existing building) *en bloc* shall, in all respects comply with the fire safety requirements of Fire Services Department (“FSD”) contained in the FSD Circular Letter No. 2/2019 or any documents issued by FSD amending, varying or substituting the same;
- (c) the Premises (including the buffer floor and the floors immediately below it (not exceeding three lower floors) of the existing industrial building) are held under my / our single ownership ;
- (d) the Premises, after conversion, shall not result in plot ratio for the existing industrial building exceeding the maximum development intensity as permitted under the Building (Planning) Regulations of the Buildings Ordinance (“the BO”); and
- (e) the total gross floor area (“GFA”) or site coverage of the Premises, after conversion, calculated under the BO, any regulations made thereunder and any amending legislation or under lease (as the case may be), shall not exceed the total GFA or site coverage of the Premises, before conversion, as set out in the latest building plans of the existing industrial building approved by the Building Authority under the BO and the Director of Lands under lease. For the avoidance of doubt, no additional or bonus GFA (if any) provided for under the BO, any regulations made thereunder and any amending legislation or otherwise due to the conversion shall be applicable.

In order to facilitate consideration of *my / our application, *I / we attach the Checklist of Basic Requirements together with the required documents / information for your reference. *I / We understand that if *I / we do not provide sufficient documents / information including, without limitation, the above required documents / information, the Lands Department may not be able to process *my / our application. *I/We hereby acknowledge that you may nevertheless request for further relevant information or convening of meetings to clarify any aspects of this application as appropriate and necessary.

*I / We hereby expressly declare, confirm, acknowledge and agree that all the particulars and the information provided herein and in support of *my / our application are true and correct in all respects. *I / We have not withheld any information required in the application, nor have *I/we provided any misleading information.

*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 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 Signature: _____
(H.K.I.D. Card Number: _____)

Name of the Applicant in Block Letters : _____

Address: _____

Telephone Number: _____

Date: _____

Notes :

- (1) Details of the proposed use(s) under application must be provided on separate sheet(s) and attached to this application.
- (2) This application and the separate sheet referred to in Note (1) above should be submitted in triplicate.

Checklist of Basic Requirements
for Application for Waiver for
Buffer Floor and Lower Floors of an Existing Industrial Building

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

General :

- | | | |
|--------|---|--------------------------|
| (i) | 2 copies ⁽²⁾ of a complete set of Government Lease or Conditions of Sale / Grant / Exchange, etc.(including all executed modification letters, no objection letters, waiver letters and extension letters, if any) affecting the Premises ⁽³⁾ . | <input type="checkbox"/> |
| (ii) | 2 copies ⁽²⁾ of a computer printout containing the historical and current ownership particulars of the Premises. | <input type="checkbox"/> |
| (iii) | (a) If the owner of the Premises 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. | <input type="checkbox"/> |
| (iv) | If submitted by a prospective purchaser ⁽⁵⁾ , a written consent from the registered owners of the Premises confirming that they have no objection to the submission and processing of this application. | <input type="checkbox"/> |
| (v) | If submitted by an agent, a written authorization from the registered owner and prospective purchaser (if applicable) of the Premises. | <input type="checkbox"/> |
| (vi) | A copy of an up-to-date location / site plan on an appropriate scale (normally 1:1000) showing the Premises. | <input type="checkbox"/> |
| (vii) | A copy of the Town Planning Board permission letter for the proposed uses of the Premises, if applicable. | <input type="checkbox"/> |
| (viii) | 2 copies of a complete set of the latest building plans ⁽⁶⁾ approved by the Building Authority for the Premises and a schedule showing the total gross floor area and total internal floor area ⁽⁶⁾ of the Premises. | <input type="checkbox"/> |
| (ix) | 2 copies of all occupation permits ⁽⁶⁾ issued by the Building Authority for the Premises under application | <input type="checkbox"/> |
| (x) | Proposed new uses of the Premises under application.
(please provide details on separate sheet) | <input type="checkbox"/> |

(xi) 4 copies of floor plans ⁽⁷⁾ showing the Premises on an appropriate scale (but not larger than A3 size). Each of the floor plan(s) shall clearly indicate the extent of the Premises in coloured pink and specify the internal floor area of the Premises with breakdown for the respective uses, if appropriate

(xii) Details of the proposed operation of computer/data processing centre in the buffer floor of the existing industrial building under the application with reference to footnote 4 of LAO Practice Note Issue No. 3/2019, including but not limited to the conceptual design of the computer/data processing centre

(xiii) If applicable, 2 copies of any building works proposal ⁽⁷⁾ for the Premises or part(s) thereof and, irrespective of whether any building works proposal is involved, there should be certification :-

(a) of any change in gross floor area, site coverage, number of storeys and height of the Premises;

(b) compliance with the fire safety requirements of Fire Services Department (“FSD”) in the FSD Circular Letter No. 2/2019 or any documents issued by FSD amending, varying or substituting the same; and

(b) that no other non-compliance with the lease conditions.

(xiv) Does the applicant for waiver also wish to modify other lease restrictions (other than the user restriction) in association with the proposed new use(s)?

Yes

No

(please provide details on separate sheet if necessary)

(xv) An energy saving plan if data centre with reference to footnote 4 of LAO Practice Note Issue No. 3/2019 is proposed on the buffer floor⁽⁸⁾

B. Information / Documents that will facilitate the processing of the application ⁽⁹⁾ :

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

(xvii) 2 sets of sketch plans⁽⁷⁾ illustrating the proposed change in use for the premises, if available.

- (xviii) 2 copies of any submissions approved by other relevant authorities relating to the proposal or other relevant study assessment reports, if applicable (e.g. 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) The Premises include all premises of the existing industrial building under the waiver application. It shall include the buffer floor (existing or to be converted) and all the floors immediately below the buffer floor.
- (4) IBRU Unit refers to the Industrial Buildings Revitalisation Unit of the Lands Department at Units 07-11, 27/F, CDW Building, 382-392 Castle Peak Road, Tsuen Wan, New Territories.
- (5) A prospective purchaser is an intending purchaser under an existing Agreement for Sale and Purchase registered in the Land Registry.
- (6) The plans and documents should be certified by the Authorized Person (as defined in the Buildings Ordinance (Cap. 123) and any amending legislation) acting for the applicant.
- (7) The proposal should be prepared and submitted by the Authorized Person or other competent professionals acting for the applicant.
- (8) Applicant should make reference to the “Green Data Centre Practice” 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).
- (9) Any other information may be supplied in triplicate on separate sheet(s) attached to the application.