

Sample of an Application

Application for Waiver for Testing Laboratory Use
in part(s) of or the entire Existing Industrial Building

To : 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]

Dear Sirs,

(Address of the premises in an existing industrial building and
Lot number being subject of the application)

I/We, [_____ (name of the Agent) _____ as the agent of *] _____ (name of
the Applicants) _____, [as the (Sole Owner / Owners)* of (Lot _____ / Lots _____
/ Premises _____)*] hereby apply for a waiver for testing laboratory use 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 the Lot No(s). _____ is/are held. Details of the
proposal and relevant documents are provided on separate sheet(s) attached to the
application.

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 hereby expressly warrant and declare that the above documents /
information provided in support of my / our application are 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 documents /
information supplied by me / us and may be immediately cancelled in the event that such
documents / information are found to be false or misleading.

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 documents /

information including the above required documents / 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 documents / information which it may require.

* *Delete as appropriate*

Yours faithfully,

(Agent's / Applicant(s))* Signature: _____
(H.K.I.D. Card Number(s): _____)

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

Address: _____

Telephone Number: _____

Date: _____

Notes :

- (1) Details of the proposed uses under application and relevant documents will need to be provided on separate sheet(s) attached to the application and duly signed as appropriate.
- (2) All owners (including intending purchaser under an Agreement for Sale and Purchase of the Premises) must sign in the capacity of applicants.
- (3) This application and the separate sheet referred to in Note (1) above should be submitted in duplicate.

Checklist of Basic Requirements
for Submission of an Application for Waiver for
Testing Laboratory Use in part(s) of or the entire Existing Industrial Building

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

- (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 premises ⁽³⁾.
- (ii) A copy of an up-to-date location / site plan on an appropriate scale (normally 1:1000) showing the premises.
- (iii) 2 copies ⁽²⁾ of a computer printout containing the historical and current ownership particulars of the property.
- (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.
 - (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.
 - (c) In the event of the premises comprising more than one unit or 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 the premises or part(s) thereof together with details of number of undivided shares held by each owner and an undertaking by the solicitor to inform the concerned District Lands Officer ⁽⁴⁾ of the Lands Department of any change in the names of the registered owners/chargees/mortgagees/ purchasers of the premises or part(s) thereof between the date of application up to the date of the waiver letter;
- (v) 2 copies of the Town Planning Board approval letter for the proposed testing laboratory use, if applicable. For claims of testing laboratory as existing use ('EU'), 2 copies of document demonstrating the 'EU' status should be provided. Please refer to the Town Planning Board Guidelines No. 24C for Interpretation of Existing Use in the Urban and New Town Areas (TPB PG-No. 24C) for details.
- (vi) If submitted by an agent, a written authorization from all the registered owners and purchasers (if applicable) of the premises.

- (vii) 2 copies of a complete set of the building plans⁽⁵⁾ last approved by the Building Authority for the premises and a schedule showing the total accountable GFA and total internal floor area⁽⁵⁾ of the premises.
- (viii) A set of duly completed forms, which could be downloaded at : http://www.hkctc.gov.hk/en/doc/nil_waiver_fee_ITC_declaration_for_m.html, as required by the Innovation and Technology Commission on the proposed operation of testing laboratory in the premises under application.
- (ix) If applicable, 2 copies of any building works proposal⁽⁶⁾ for the premises or part(s) thereof and, irrespective of whether any building works proposal is involved, there should be certification :-
- of any change in GFA, site coverage, number of storeys and building height to the existing building; and
 - of no other non-compliance with the lease conditions.
- (x) If applicable, 2 copies⁽²⁾ of the Deed of Mutual Covenant (“DMC”) of the building and a written confirmation (in duplicate) by the solicitor acting for the applicants as to whether there are any inconsistencies between the provisions of the DMC and the proposed testing laboratory use. If so, a proposal as to how they are going to deal with the inconsistencies should also be submitted.
- (xi) Does the applicant for Testing Laboratory Waiver also wish to waive or modify other lease restrictions (other than the user restriction) in association with the proposed testing laboratory uses?

Yes

No

(Please provide detail on separate sheet if necessary)

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

- (xii) A copy of an extract of the relevant Outline Zoning Plan (together with the relevant Notes and Explanatory Statement, as appropriate) showing the property.
- (xiii) 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, 2 copies of 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.
- (xiv) 2 sets of sketch plans illustrating the proposed change in use for testing laboratory, if available.

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) Premises include all premises of the existing industrial building(s) under the waiver application.
- (4) Contacts of the District Lands Offices of Lands Department are set out in Lands Department's website at the following link:
<http://www.landsd.gov.hk/en/about/enquiries.htm>
- (5) The plans and documents should be certified by the Authorized Person acting for the applicant.
- (6) The proposal 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 duplicate on separate sheet(s) attached to the application.