



### **Temporary Waivers for Industrial Premises**

To expedite the processing of applications for waivers from owners of existing industrial premises, for purposes other than exclusively for information technology and telecommunication ('IT&T') industries, a simplified procedure outlined in paragraph 2 below will be introduced with immediate effect (*Note: The streamlined processing procedure for waivers exclusively for IT & T industries is covered in Practice Note Issue No. 5/2001 which is still in full force and effect*).

2. Whilst waivers will continue to be issued subject to such terms and conditions including administrative fees as may be determined, the new simplified procedure, to be applicable to industrial premises, other than those located on the basement, ground or podium floors, is as follows: -

- (i) Waiver fees at standard rates as set out at **Appendix I** will be charged in applicable cases.
- (ii) Waivers to be issued will make reference to a Schedule of Permitted Uses annexed to the Waiver Letter concerned. Please refer to **Appendix II** for the details.

3. Our aim is to issue waivers to be processed on the above basis not later than two months from the date of receipt of a valid application. (Note : The requirements of a valid application are set out at **Appendix III**).

4. It should be noted that the waiver letters to be issued by my department under the simplified procedure described above, will only cover the user aspect of premises held under industrial leases. Owners of the industrial premises should separately approach other relevant departments and authorities, including the Town Planning Board, Fire Services Department and the Building Authority regarding any other approvals that may be required and compliance with any ordinances, by-laws or regulations that are in force from time to time whether or not their proposed uses would involve any alteration, structural or otherwise to the existing buildings erected in accordance with the current approved building plans.

5. This Practice Note is issued for the purpose of general reference only. It shall not constitute any representation on the part of the Government or give rise to any expectation whatsoever and shall not be relied on as such. Each application for waiver will be considered on its own merits having regard to all factors and circumstances, which the Government at its absolute discretion considers applicable. The standard rates of waiver fees as set out at **Appendix I** are subject to review from time to time as the Government shall at its absolute discretion consider appropriate. Government's right to add to, amend or delete the whole or any part of this Practice Note is hereby reserved.

(Patrick L C LAU)  
Director of Lands  
16 June 2003

**Standard Rates for Assessing Waiver Fees for Industrial Premises**

Location of Premises	Standard Rates <sup>(1)</sup> for annual waiver fees (based on Internal Floor Area) <sup>(2)</sup> of the concerned premises		Standard Rates <sup>(1)</sup> (based on Internal Floor Area) <sup>(2)</sup> of lump sum fees payable upfront for waivers for the lifetime of the concerned premises	
	Group A Uses <sup>(3)</sup>	Group B Uses <sup>(4)</sup>	Group A Uses <sup>(3)</sup>	Group B Uses <sup>(4)</sup>
Urban Area and Tsuen Wan/Kwai Tsing	\$229/m <sup>2</sup> p.a.	\$308/m <sup>2</sup> p.a.	\$2,080/m <sup>2</sup>	\$2,800/m <sup>2</sup>
New Territories other than Tsuen Wan/Kwai Tsing	\$172/m <sup>2</sup> p.a.	\$235/m <sup>2</sup> p.a.	\$1,560/m <sup>2</sup>	\$2,140/m <sup>2</sup>

Note (1) (a) *The standard rates will not be applicable to premises located on basement, ground or podium floors. Waiver fees for premises in these locations will be subject to individual assessment. In determining whether the location of the concerned premises is within the basement, ground or podium floors of a development, the decision of the Director of Lands shall be final.*

(b) *For the avoidance of doubt, subject to (a) above, the Director of Lands reserves the right to determine as to which rate, under Group A or Group B, should be applicable in respect of any application and his decision in this matter shall be final.*

(2) *The **Internal Floor Area** of a unit comprises the enclosed internal space of the unit for the exclusive use of the occupier including balconies, toilets and lift lobbies forming part of that unit. It shall be the area contained within the enclosing walls of that unit measured to the interior face of the external wall or separating wall. All internal partitions and columns within the unit shall be included.*

(3) ***Group A Uses** refer, broadly, to uses other than those for residential purposes but excluding hotels and those offices or operations which involve the direct provision of customer services or goods to the general public. A summary of Group A uses is set out in the Schedule of Permitted Uses at Part (I) of Appendix II.*

(4) ***Group B Uses** refer, broadly, to uses other than those for residential purposes but excluding hotels. Group B uses include all Group A uses and covers those offices and operations that may involve the direct provision of customer services or goods to the general public. A summary of Group B uses is set out in the Schedule of Permitted Uses at Part (II) of Appendix II.*

**Part (I) Schedule of Permitted Uses for Standard Rates of waiver fees under Group A as referred to at Appendix I**

- (1) headquarters or back-office operations;
- (2) information technology and telecommunications industries;
- (3) freight forwarding services centres;
- (4) audio-visual recording studios;
- (5) design and media production studios;
- (6) research, design & development centres;
- (7) offices for professional consultants such as architects, engineers, surveyors, planning consultants, solicitors, accountants;
- (8) offices for business services such as advertising agencies, management consultants, public relations agencies, interior/graphic design;
- (9) such other uses for non-residential purposes not involving direct provision of customer services or goods to the general public, as may, from time to time, be approved by the Director of Lands.

**Part (II) Schedule of Permitted Uses for Standard Rates of waiver fees under Group B as referred to at Appendix I**

- (1) - (9) - Same as those set out under Part (I) above;
- (10) art studios;
- (11) private clubs;
- (12) trade marts;
- (13) wholesale centres;
- (14) training centres;
- (15) offices other than those set out under Part (I) above;
- (16) travel agencies;
- (17) property agencies;
- (18) employment agencies;
- (19) investment broker firms;
- (20) money lending offices;
- (21) ticketing and sales offices;
- (22) tourist information offices;
- (23) such other uses for non-residential purposes as may, from time to time, be approved by the Director of Lands.

**Requirements of a Valid Application**

Applications should be submitted by the legal owner of the industrial premises concerned.

2. In situations where the application is submitted by an agent or parties other than the legal owner, a copy of the relevant authorization letter should also be submitted.

3. Information to be provided in an application should include the following: -

- (a) A clear identification of the premises concerned accompanied by a floor plan indicating the internal floor area involved prepared by an Authorised Person.
- (b) A clear description of the proposed operation to be carried out in the concerned premises.
- (c) Duration of the term for which the waiver is applied for.

4. Other documents also to be submitted together with the application shall include the following: -

- (a) A computer printout containing the historical and current ownership particulars of the subject property; and
- (b) A complete copy of the Government Land Grant (including all modifications and attachments thereto) pertaining to the subject property.

It is necessary for both sets of these documents to be certified either by the Land Registry or by the solicitor acting for the applicant.

5. Where applicable, a copy of the approval letter issued by the Secretary of the Town Planning Board under Section 16 of the Town Planning Ordinance for the proposed use of the industrial premises concerned should also be submitted.