

Sample of an Application

Application (in triplicate) for

- (a) Special Arrangement for a Lease Modification (or a Land Exchange)
for Redevelopment of an Industrial Lot; or
- (b) Special Waiver for Conversion of an Entire Existing Industrial Building

To : Chief Estate Surveyor/Headquarters,
Redevelopment and Conversion
of Industrial Buildings Team,
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 _____)*] hereby apply for a (please specify [*and note paragraph 1 of Practice Note Issue No. 1/2010*]) 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.

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 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.

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 redevelopment 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) Special Arrangement for a Lease Modification (or a Land Exchange) for
Redevelopment of an Industrial Lot; or
(b) Special Waiver for Conversion of an Entire Existing 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⁾.
- (ii) A copy of an up-to-date location / site plan on an appropriate scale (normally 1:1000) showing the property.
- (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 special waiver letter/lease Modification Letter/Conditions of Exchange.
- (c) In the event of the lot 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 RCIB ⁽⁴⁾ of 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 special waiver letter/lease Modification Letter/Conditions of Exchange;
- (v) A copy of the Town Planning Board approval letter for the proposed uses or development, if applicable.
- (vi) If submitted by an agent, a written authorization from all the registered owners and purchasers (if applicable) of the property.

For Lease Modification (including a Land Exchange) only :

(vii) 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), site coverage, number of storeys/building height, etc.); and indicating :-

(a) whether the proposed redevelopment 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

(b) in the event that the premium exceeds \$20 million, whether the applicant wishes to pay the premium for the proposed lease modification (if approved) by annual instalments and by how many instalments (not exceeding 5 annual instalments).

Yes

(please specify
no. of
instalments)

No

For Special Waiver only :

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

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

(x) Proposed new use(s) of the building under the application.
(please provide details on separate sheet)

(xi) 2 sets of schematic plans ⁽⁶⁾ indicating the layout of the manoeuvring, parking, loading and unloading, picking up and setting down spaces to be provided for motor vehicles, motor cycles, good vehicles, taxis, buses and coaches (if applicable) of the building after conversion.

(xii) 2 copies of any conversion works proposal ⁽⁶⁾ for the existing building, 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.

(xiii) 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 new use(s). If so, a proposal as to how they are going to deal with the inconsistencies should also be submitted.

(xiv) Does the proposed uses under the special waiver cover among others non-polluting industrial use?

Yes

No

(Please clearly specify the type of non-polluting industrial use)

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

Yes

No

(Please provide detail on separate sheet if necessary)

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

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

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|---------|---|--------------------------|
| (xvii) | 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. | <input type="checkbox"/> |
| (xviii) | 2 sets of sketch plans illustrating the proposed redevelopment or the converted building, if available. | <input type="checkbox"/> |
| (xix) | 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.) | <input type="checkbox"/> |

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 lots involved in a lease modification, land exchange or special waiver application.
- (4) RCIB refers to the Redevelopment and Conversion of Industrial Buildings Team of the Lands Department at 19/F, North Point Government Offices, 333 Java Road, North Point.
- (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 triplicate on separate sheet(s) attached to the application.