



Application for Waivers for Installation of Radio Base Stations for Mobile Services in Existing Buildings

Licences have been granted by the Communications Authority to some mobile network operators for providing mobile services in Hong Kong. The operators may wish to install radio base stations and associated equipment(s) and facilities in existing buildings for the provision of mobile services.

2. Installation of radio base stations and associated equipment(s) and facilities in any buildings held under leases¹ for private residential purposes or other non-commercial purposes would be in breach of the user restriction under lease since installation of such radio base station and associated equipment(s) are considered to be commercial in nature. In such circumstances, a waiver (“the Waiver”) is required to cover such radio base station and associated equipment(s) and facilities. Apart from the user restriction under lease, the Waiver would also need to cover other aspects of any consequential breaches as the case may be, such as gross floor area, height, etc.

3. With effect from 1 April 2019, applications should be made in the form of the application letter at **Appendix I** and should be submitted to the relevant District Lands Office of the Lands Department (“LandsD”) at the address as set out in LandsD’s website (www.landsd.gov.hk/en/about/enquiries.htm). Owners may wish to refer to **Appendix II** for a note on the use of the personal data required to be provided in the application.

4. Owners are advised to engage competent professionals to assist them in submitting the applications.

5. Whilst waivers will continue to be issued subject to such terms and conditions including administrative fee as may be determined, the waiver fee for the installation of radio base stations in existing buildings will be charged in accordance with the standard rates as set out in **Appendix III** except that for radio base stations installed or to be installed inside industrial buildings², the waiver fees at the standard rates as set out in Appendix IV to LandsD Lands Administration Office (“LAO”) Practice Note No. 4/2019 (subject to review from time

¹ All references to “lease” in this Practice Note cover Government Lease or Conditions of Sale / Grant / Exchange, etc. (as the case may be) and “leases” shall be construed accordingly.

² See Footnote 3 in LandsD LAO Practice Note No. 4/2019.

to time) will be charged. Our aim is to issue waivers covered by this Practice Note not later than two months from the date of receipt of a valid application.

6. An owner shall pay an administrative fee as and when demanded by LandsD upon submission of an application. The administrative fee for the application for the Waiver is not refundable, including but not limited to where the owner subsequently withdraws the application, or rejects LandsD's offer in respect of the application, or is unable for any reason to duly execute the legal document effecting the Waiver in all respects to the satisfaction of LandsD or shall in any of the circumstances rendering such administrative fee non-refundable as set out in any letters demanding payment thereof.

7. The Waiver, if approved by LandsD under the procedure described above will only cover temporary variation to the user restriction under lease. Owners are reminded of the need to approach other relevant authorities and departments, such as the Town Planning Board, Fire Services Department and Building Authority to ensure compliance with all applicable requirements and to obtain all necessary approvals, permits, permissions or licences that may be required under any Ordinances, by-laws or regulations that are in force from time to time, whether or not the proposed uses that may be required or permitted under the Waiver would involve any alteration, structural or otherwise, to the existing building. The issue of the Waiver should not be construed as any guarantee by LandsD on the feasibility of the proposed uses of the premises nor accepting any liability on the expenses the owners may or had incurred.

8. Every application submitted to LandsD pursuant to this Practice Note will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as a landlord. The standard rates in **Appendix III** are subject to review from time to time as the Government shall at its sole discretion consider appropriate. This Practice Note shall not constitute any representation on the part of the Government or give rise to any expectation on the part of the owner that any application submitted to LandsD will be processed or approved.

9. This Practice Note is issued for general reference purposes only. All rights to modify the whole or any part of this Practice Note are hereby reserved.

10. LandsD LAO Practice Note Nos. 9/2002, 3/2013 and 1/2015 are superseded by this LAO Practice Note No. 5/2019 and another LAO Practice Note No. 4/2019 from 1 April 2019.



(Thomas Chan)
Director of Lands
22 March 2019

Sample of an Application

Application for Waiver for Installation of Radio Base Stations
for Mobile Services in Existing Buildings

To : District Lands Officer, _____

Dear Sirs,

(Address of the Premises 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 the captioned Premises] hereby apply for a temporary waiver for the purpose of radio base stations for mobile services as referred in LandsD LAO Practice Note No. 5/2019 in respect of the captioned 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 for a period of initially _____ years.

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 convene 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 documents / information which it may require.

Yours faithfully,

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

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

Address: _____

Telephone Number: _____

Date: _____

* *Delete as appropriate*

Notes :

- (1) Contacts of the District Lands Offices are set out in Lands Department's website (www.landsd.gov.hk/en/about/enquiries.htm)
- (2) All owners (including intending purchaser under an Agreement for Sale and Purchase of the Premises) must sign in the capacity of applicants.

Checklist of Basic Requirements

**Application for Waiver for Installation of Radio Base Stations
for Mobile Services in Existing Buildings**

Information / Documents that must be submitted ⁽¹⁾ :

- | | | |
|-------|---|--------------------------|
| (i) | Two 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⁾ . | <input type="checkbox"/> |
| (ii) | Two copies ⁽²⁾ of a computer printout containing the historical and current ownership particulars of the premises. | <input type="checkbox"/> |
| (iii) | If submitted by an agent, a written authorization from all the registered owners and prospective purchasers ⁽⁴⁾ (if applicable) of the premises. | <input type="checkbox"/> |
| (iv) | A copy of an up-to-date location / site / floor plan on an appropriate scale showing the premises. | <input type="checkbox"/> |
| (v) | Two sets of drawings on an appropriate scale detailing the proposed telecommunications installations, including the size / dimensions of equipment room / shelter, the area covered by the equipment, installations, etc. (which may or may not be housed in an equipment room or sheltered) and the area of the base supporting such equipment, installations, etc., and the number of antennae for the radio base stations. | <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) Premises include all premises (including the rooftops and external walls) of the existing building(s) under the waiver application.
- (4) A prospective purchaser is an intending purchaser under an existing Agreement for Sale and Purchase registered in the Land Registry.

Note on Use of Personal Information Required in the Application

| | |
|-------------------------|---|
| Purpose of Collection | The personal data provided by means of this form will be used by the Lands Department for the purpose of considering and processing the application. The provision of personal data by means of this form is voluntary. If you do not provide sufficient information, the Lands Department may not be able to process your application. |
| Class of Transferees | The personal data you provided by means of this form may be disclosed to other Government bureaux / departments for the purpose mentioned above. |
| Access to Personal Data | The applicants have a right of access and correction with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Such right of access includes the right to obtain a copy of the personal data provided on this form. |
| Enquiries | Enquiries concerning the personal data collected, including the request for access and corrections, should be addressed to: The Office Personal Data Controlling Officer of the Lands Department |

**Standard Annual Waiver Fee for Installation of
Radio Base Stations for Mobile Services in Existing Buildings**
(with effect from 1 April 2019)

| | | |
|-------|---|-------------------------------|
| (i) | Station area not exceeding 5m ² with 5 antennae | \$ 79,800 p.a. |
| (ii) | Each additional antenna | \$ 15,300 p.a. |
| (iii) | Additional area | \$ 1,350 /m ² p.a. |

Note: These standard rates are subject to review from time to time as the Government shall at its absolute discretion consider appropriate.