



**Acceptable uses in Premises restricted to
'Godown Purposes' under Lease**

Premises in parts of a building held under lease¹ with a 'godown purposes' user clause ("Godown Premises") may only be used for storage of goods but movement of the goods is expected and the entire operation shall involve transient deposit and storage for delivery purpose.

"Cargo handling and forwarding facility" and "Recyclable collection centre"

2. "Cargo handling and forwarding facility" as referred to in the Definitions of Terms promulgated by the Town Planning Board ("DoT"), means any premises or structure which provides facilities for the processing of inbound, transshipment and outbound cargo and/or freight forwarding facilities including the necessary logistics support such as packaging, labelling and final assembly of goods for distribution. "Recyclable collection centre" as referred to in DoT means any premises where community-based recycling activities involving collection, storage, sorting, packing and baling of recyclable materials for recycling purposes are carried out. For the purpose of this Practice Note, "cargo handling and forwarding facility" and "recyclable collection centre" shall follow the above meaning but subject to exclusions².

3. Provided that there is primarily storage of goods/material in the Godown Premises and the storage has attendant consequences such as those mentioned in paragraph 1 above, "cargo handling and forwarding facility" and "recyclable collection centre" as described in paragraph 2 above in Godown Premises will generally be accepted under lease by Lands Department ("LandsD"). In essence, an overall view of the activities carried on and within the Godown Premises including, but without limitation, the nature and cumulative effect of all activities will be taken into account and be considered for individual cases. Please also note that in deciding whether a particular use or case is conforming to lease provisions, the context of the case including, inter alia, the particular lease in question, as well as the proposed design of the operation, the operation details and the kind of technology being employed will be looked at and considered. In determining whether a particular use or case is conforming to lease provisions, the decision of the Director of Lands shall be final.

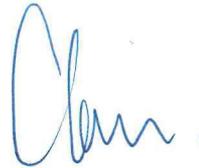
¹ All references to "lease" in this Practice Note cover Government Lease or Conditions of Sale / Grant / Exchange, etc. (as the case may be) and "leases" shall be construed accordingly.

² "Cargo handling and forwarding facility" do not include container freight station or free-standing purpose-design logistics centre. "Recyclable collection centre" do not include sorting of municipal solid waste.

4. Owners are reminded of the need to approach other relevant authorities and departments, such as Fire Services Department and the Building Authority, regarding any other approvals, permissions or licences that may be required under any Ordinances, by-laws, regulations, guidance notes or practice directions that are in force from time to time in relation to the use of premises in a building, whether or not the uses that may be permitted under lease would involve any alteration, structural or otherwise, to the building, and comply with all necessary requirements from the relevant authorities and department.

5. This Practice Note only deals with the general approach in considering whether the uses of premises restricted to ‘godown purposes’ under lease for “cargo handling and forwarding facility” or “recyclable collection centre” may be acceptable, but not further or otherwise; nothing herein shall in anyway affect or prejudice the Government’s rights and exercise of power in the capacity of landlord under any specific lease or case, whether in relation to interpretation of lease provisions or their enforcement or otherwise, no representation whatsoever is hereby made in relation to any permitted uses under lease provisions or their interpretation, and nothing herein shall be construed as any waiver of any lease provisions.

6. 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.



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