

Relaxation of waiver application for existing industrial buildings

The Development Bureau (DEVB) announced today (February 1) the relaxation of the waiver application requirement (the Permission) with immediate effect to facilitate non-industrial uses for a number of sectors in individual units of existing industrial buildings (IBs).

A spokesperson for the DEVB said, "The revised arrangement is one of six measures to implement the initiative announced by the Chief Executive in the 2018 Policy Address to revitalise and optimise the use of IBs.

"The Permission will help address the demand from a number of sectors, including the arts and cultural sectors, creative industries, and innovation and technology sectors, for safe and lawful use of IBs. This will also help meet Hong Kong's changing social and economic needs, and make better use of valuable land resources."

Under the existing land administration mechanism, premises in existing IBs may only be used for industrial uses involving a manufacturing process according to the land leases executed in the past, even though the Town Planning Board has over the years broadened the always-permitted uses of existing IBs to include certain non-industrial uses for the purposes of the planning regime. All along, if an owner of IB premises wishes to pursue an always-permitted non-industrial use under the planning regime, the owner or an authorised person may apply to the Lands Department (LandsD) for waiving temporarily the user restrictions under the land lease. Unless exempted under any prevailing policy, a temporary waiver application is subject to payment of an administrative fee, and a waiver fee if approved.

Under the new arrangement, which takes immediate effect for an initial five-year period, IB owners, without the need to apply for any temporary waiver and pay any fee, are permitted to put individual units of IBs to the following five specific non-industrial uses, provided that such uses are permitted under the land use zoning of the sites concerned on the relevant Outline Zoning Plans (OZP) as "Column 1" (i.e. always permitted) uses:

- Art Studio;
- Office (Audio-visual Recording Studio);
- Office (Design and Media Production);
- Office (used by "specified creative industries" only (i.e. design and media production firms, printing and publishing industries, film companies, and film-related trade organisations)); and
- Research, Design and Development Centre.

For the sake of public safety, the five uses covered in the Permission must not involve any uses or activities that attract visiting members of the

general public by providing direct services or goods, such as conducting hobby classes, exhibitions and sales activities, or providing rehearsal facilities for any party other than the operator, owner and tenant(s) of the premises.

Information regarding the zoning of an IB and the "Column 1" always-permitted uses specified in the relevant OZP is available on the website of the Town Planning Board (www.ozp.tpb.gov.hk). IB owners or users may also consult relevant professionals as appropriate.

If an owner wishes to put an individual unit to a non-industrial use falling outside the Permission, the owner should apply to the LandsD for a temporary waiver and pay a waiver fee (if approved) in accordance with the prevailing mechanism. In the event of receiving any complaint about a use falling outside the Permission and constituting a breach of the lease condition, the LandsD will conduct investigation and lease enforcement action as appropriate after seeking advice from the relevant bureaux.

The Permission is subject to all other terms and conditions applicable as stipulated in the relevant land lease, the Buildings Ordinance, the Town Planning Ordinance and any other relevant legislation. Also, it shall not be relied on to prejudice any rights and remedies of other parties under the deed of mutual covenant of the IBs involved.

Government will review the need for extending the Permission towards the end of the five-year period and make an announcement in a timely manner.

For details of the Permission, please visit DEVB's website (www.devb.gov.hk/en/issues_in_focus/index.html) or LandsD's website (www.landsd.gov.hk/en/reIntBuild/index.htm). For enquiries about the application of the Permission to individual IBs, please contact relevant District Lands Office of LandsD.