

Checklist of Basic Requirements

(I) Documents to confirm lawful occupation of land and compliance with requirements under lease, short term tenancy or other instrument(s) to demonstrate compliance with land-related requirements

A Information / Documents that must be submitted ⁽¹⁾:

(i) A copy of an up-to-date location /site plan on an appropriate scale (normally 1:1000) showing the premises ⁽²⁾.

(ii) A copy of a computer printout containing the current ownership particulars of the premises.

(iii) (a) If any of the registered owners (or the applicant of a short term tenancy application) is a limited company, a copy 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 land documents e.g. Modification Letter, Conditions of Exchange or Waiver Letter.

(c) In the event of the premises comprising more than one unit or being in multiple ownership and unless otherwise consented to by LandsD, a summary list 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 the premises or part(s) thereof together with details of number of undivided shares held by each owner and an undertaking by the solicitor to inform the concerned District Lands Officer ⁽³⁾ of the Lands Department of any change in the names of the registered owners/chargees/mortgagees/purchasers of the premises or part(s) thereof between the date of application up to the date of the Modification Letter, Conditions of Exchange or Waiver Letter.

(II) **Documents in support of TSOL application when unleased land is involved**

(iv) Are there any unleased land occupied without the approval?

Yes

No

(Please proceed with part B below)

B. Information / Documents that must be submitted ⁽¹⁾ :

(v) Application letter ⁽⁴⁾ for lawful authority to occupy the unleased land as is necessary for, or ancillary to, the operation of a columbarium.

(vi) A written declaration from the applicant that the applicant has no claim to the unleased land, whether based on possession of the unleased land before, on or after the date of application or on any other ground. [Note: A specified form of written declaration is at Appendix I.]

(III) **Documents in support of regularization application for regularizing lease breach(es) for compliance with land-related requirements and/or for lawful authority to occupy unleased land**

C. In addition to the Information / Documents that must be submitted under (i) to (iii) above, the following Information / Documents must be submitted ⁽¹⁾ :

(vii) Application letter ⁽⁴⁾ for regularizing lease breach(es)

(viii) A copy of the Town Planning Board approval letter for the proposed columbarium use, if applicable.

(ix) If submitted by an agent, a written authorization from all the registered owners and purchasers (if applicable) of the premises.

(x) If applicable, a 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 columbarium use. If so, a proposal as to how they are going to deal with the inconsistencies should also be submitted.

(xi) Does the applicant also wish to waive or modify other lease restrictions (other than the user restriction) in association with the proposed columbarium use?

Yes

No

(Please provide details on separate sheet(s) if necessary)

D. Information / Documents that will facilitate the processing of the application ⁽⁵⁾ :

(xii) A copy of an extract of the relevant Outline Zoning Plan (together with the relevant Notes and Explanatory Statement, as appropriate) showing the property.

(xiii) For an application which involves portion(s) of a lot, or subdivisions of any lots, to assist the verification of site areas and site boundaries, a copy of 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.

(xiv) A set of sketch plans illustrating the proposed change in use for columbarium, if available.

Notes :

- (1) Please put a tick in the relevant box if applicable unless otherwise specified; and delete as appropriate.
- (2) Premises include all lots involved in a lease modification / land exchange application or all premises for columbarium use involved in a waiver / STT application.
- (3) Contacts of the District Lands Offices of Lands Department are set out in Lands Department's website at the following Link : <https://www.landsd.gov.hk/en/about-us/contact-us.html>
- (4) Sample application letter at Appendix II.
- (5) Any other information may be supplied on separate sheet(s) attached to the application.

**Standard form of written declaration under section 21(2)(b) of
the Private Columbaria Ordinance, Cap. 630
(for use if the applicant is an individual or a partnership)
(in which case, all the partners are the applicant)**

IN THE MATTER of the Oaths and
Declarations Ordinance, Cap. 11

and

IN THE MATTER of section 21(2)(b) of
the Private Columbaria Ordinance, Cap. 630

STATUTORY DECLARATION

*I/We, _____ [*insert the name of the declarant who should be the applicant of the temporary suspension of liability (“TSOL”) under the Private Columbaria Ordinance, Cap. 630*], holder of *[H.K.I.D. Card /Passport No. ()] of [*insert address*], *[*and in the case of a partnership, set out the names and particulars of every and each other partner*] solemnly and sincerely declare that :-

(1) *I/We have applied to the Private Columbaria Licensing Board established under the Private Columbaria Ordinance, Cap. 630 (“the Ordinance”) for *a licence and/or an exemption in respect of a columbarium at [*insert address*].

(2) *I am/We are in possession of unleased Government land, now occupied by the columbarium and formed part of the columbarium premises (“the Occupied Government Land”) without the approval or licence from the Government of the Hong Kong Special Administrative Region (“the Government”).

(3) In accordance with section 21(2)(b) of the Ordinance and in support of *my/our application to the Director of Lands for lawful authority to occupy the Occupied Government Land (“the Application”), *I/we hereby expressly acknowledge and confirm that *I/we have no claim to the Occupied Government Land, whether based on possession of the Occupied Government Land before, on or after _____ [*insert the date of the TSOL application under the Private Columbaria Ordinance*] or

on any other ground, and further that *I/we would not make any claim against the Government in respect of the Occupied Government Land.

(4) *I/We hereby expressly further acknowledge that:

- (a) the Government shall accept no responsibility and shall have no liability whatsoever:
 - (i) in respect of *my/our possession of the Occupied Government Land;
 - (ii) in respect of any loss, damage, claims, nuisance or disturbance whatsoever and howsoever caused to or suffered by (I) *me/us; or (II) any person or persons depositing in the Occupied Government Land anything including any article or substance; or (III) other occupier(s) or visitor(s) of the Occupied Government Land; and/or
 - (iii) in respect of any activity or work carried out on the Occupied Government Land by or tolerated by *me/us; and
- (b) in the event that the Application is unsuccessful, *I/we acknowledge and accept that the Government may take such action as it considers appropriate in respect of *my/our occupation of the Occupied Government Land and all structures and items thereon and therein, whether under the Ordinance, the Land (Miscellaneous Provisions) Ordinance, Cap. 28, or otherwise.

(5) The above information is correct and complete to the best of *my/our knowledge. *I/We understand that if *I/we make false declarations, *I/we may render *myself/ourselves liable to prosecution.

And *I/we make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance, Cap. 11.

Declared at _____ in the HKSAR)

on the day of 20)

(Signature of Declarant)

Before me,

*Solicitor/ Justice of the Peace/ Commissioner for Oaths

* Delete as appropriate

*** [If more than one declarant, each declarant to declare separately:]**

Declared at _____ in the HKSAR)

on the day of 20)

(Signature of Declarant)

Before me,

*Solicitor/ Justice of the Peace/ Commissioner for Oaths]

* Delete as appropriate

**Standard form of written declaration under section 21(2)(b) of
the Private Columbaria Ordinance, Cap. 630
(for use if the applicant is a body corporate)**

IN THE MATTER of the Oaths and
Declarations Ordinance, Cap. 11

and

IN THE MATTER of section 21(2)(b) of
the Private Columbaria Ordinance, Cap. 630

STATUTORY DECLARATION

I, _____ [*insert the name of the director of the company*] holder of
*[H.K.I.D. Card/Passport No. (_____)] of [*insert address of the
company*] solemnly and sincerely declare that :-

(1) I am a director of _____ [*insert the name of the company which should
be the applicant for the temporary suspension of liability (“TSOL”) under the Private
Columbaria Ordinance, Cap. 630*] (“the Company”) whose registered office is situate
at _____ [*insert the registered office of the company*]
and I am duly authorized by the Company to make this declaration on its behalf.

(2) The facts herein deposed are within my own knowledge upon perusal of the
documents in the possession of the Company.

(3) The Company has applied to the Private Columbaria Licensing Board
established under the Private Columbaria Ordinance, Cap. 630 (“the Ordinance”) for
*a licence and/or an exemption in respect of a columbarium at [*insert address*].

(4) The Company is in possession of unleased Government land, now occupied by
the columbarium and formed part of the columbarium premises (“the Occupied
Government Land”) without the approval or licence from the Government of the Hong
Kong Special Administrative Region (“the Government”).

(5) In accordance with section 21(2)(b) of the Ordinance, and in support of the Company's application to the Director of Lands for lawful authority to occupy the Occupied Government Land ("the Application"), the Company hereby expressly acknowledges and confirms that the Company has no claim to the Occupied Government Land, whether based on possession of the Occupied Government Land before, on or after _____ [*insert the date of the TSOL application under the Private Columbaria Ordinance*] or on any other ground, and further that the Company would not make any claim against the Government in respect of the Occupied Government Land.

(6) The Company hereby expressly further acknowledges that:

- (a) the Government shall accept no responsibility and shall have no liability whatsoever:
 - (i) in respect of the Company's possession of the Occupied Government Land;
 - (ii) in respect of any loss, damage, claims, nuisance or disturbance whatsoever and howsoever caused to or suffered by (I) the Company; or (II) any person or persons depositing in the Occupied Government Land anything including any article or substance; or (III) other occupier(s) or visitor(s) of the Occupied Government Land; and/or
 - (iii) in respect of any activity or work carried out in the Occupied Government Land by or tolerated by the Company; and
- (b) in the event that the Application is unsuccessful, the Company acknowledges and accepts that the Government may take such action as it considers appropriate in respect of the Company's occupation of the Occupied Government Land and all structures and items thereon and therein, whether under the Ordinance, the Land (Miscellaneous Provisions) Ordinance, Cap. 28, or otherwise.

(7) The above information is correct and complete to the best of my knowledge. I understand that if I make false declarations, I may render myself liable to prosecution.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance, Cap. 11.

Declared at _____ in the HKSAR)

on the day of 20) _____ (Signature of Declarant)

Before me,

*Solicitor/ Justice of the Peace/ Commissioner for Oaths

* Delete as appropriate

Sample of an Application

(Point to note: The applicant may wish to refer to the Appendix for a note on the use of the personal data required to be provided in the application.)

Application for Regularization and/or
Application for Lawful Authority to Occupy unleased land

To : District Lands Officer, _____
[Contacts of the District Lands Offices
are set out in Lands Department's website at
www.landsd.gov.hk/en/about-us/contact-us.html]

Dear Sirs,

(Address of the columbarium 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 (Lot _____ / Lots _____ / Premises _____)*] hereby apply to regularize the existing breach(es) in respect of the lease of the (Lot / Lots / Premises) [/ and*] for lawful authority to occupy unleased land*. Details of the proposal and relevant documents 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 documents / information provided in support of my / our application are 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 documents / information supplied by me / us and the approval of my / our application, if granted, may be immediately cancelled in the event that such documents / information are 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 documents / information including the above required documents / 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 documents / information which it may require.

**Delete as appropriate*

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 : _____

Notes :

- (1) Details of the proposed uses under application and relevant documents will need to be provided on separate sheet(s) attached to the application and duly signed as appropriate.
- (2) All owners (including intending purchaser under an Agreement for Sale and Purchase of the Premises) must sign in the capacity of applicants.
- (3) The application comprising the required information / documents may be submitted by fax, email or post to the District Lands Office concerned provided that original copy of the written declaration in the format of Appendix I must be submitted.

Note on use of Personal Information Required in the Application

Purpose of Collection	<p>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.</p> <p>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.</p>
Class of Transferees	<p>The personal data you provided by means of this form may be disclosed to other Government bureaux / departments for the purpose mentioned above.</p>
Access to Personal Data	<p>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.</p>
Enquiries	<p>Enquiries concerning the personal data collected, including the request for access and corrections, should be addressed to:</p> <p style="text-align: center;">The Office Personal Data Controlling Officer of the Lands Department</p>