



**Lands Administration Office
Lands Department**

Practice Note

Issue No. 6/2007

Removal of Trades in Offensive Trades Clause

Many of the old leases contain a restriction (commonly referred to as 'the offensive trade clause') which reads as follows:-

"that (the said Lessee) or any other person or persons shall not nor will during the continuance of this demise, use, exercise, or follow, in or upon the demised premises or any part thereof, the trade or business of a Brazier, Slaughterman, Soap-maker, Sugar-baker, Fellmonger, Melter of Tallow, Oilman, Butcher, Distiller, Victualler or Tavern-keeper, Blacksmith, Nightman, Scavenger or any other noisy noisome or offensive trade or business whatever without the previous licence of Her said Majesty signified in writing by the Governor or other person duly authorized in that behalf"

2. LandsD will, in future, deal with applications for an offensive trades licence in respect of the trades relating to sugar-baker, oilman, butcher, victualler and tavern-keeper (the five trades) contained in the clause for cases involving the whole of the lot on the following basis:-

- (i) As a result of removing "tavern keeper", the terms of the licence will include conditions restricting the sale of any hotel except as a whole and restricting the letting of hotel rooms for not more than one year. The applicant should clearly delineate the portion of the lot or building to be used for such purpose on the building plans.
- (ii) Any licence, if granted, will be subject to payment of a fee, which currently is \$18,650 per lot. This fee is subject to review from time to time. The Department aims to make an offer within 2 months from the date of receiving an application for straightforward cases.

3. For lots in multi-ownership and premises comprising only where the application covers one or more units in a building, subject to payment of the administrative fee mentioned in para. 2(ii), a licence to permit the use of the premises notwithstanding the restriction against the five trades will be issued to the registered owner of the premises. The licence will contain a prohibition against the use of the premises for hotel purpose.

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4. Applicants for an offensive trade licence are reminded that the application should be accompanied by two sets of:-

- (i) a computer printout containing the historical and current ownership particulars of the subject property;
- (ii) copy of the Government Land Grant (including all modifications and attachments to it) of the lot or premises.

One set of the above documents must be certified either by the Land Registry or by the solicitor acting for the applicant while the other set of the documents can be a photocopy of the certified document.

5. Applicant should also note that the agreement by Government to license the offensive trades does not absolve the applicant from his obligation to obtain all other necessary permissions and approvals affecting the lot or premises, whether statutory or contractual.



(Miss Annie TAM)
Director of Lands
10 August 2007