

Il-Ministru ghat-Trasport, Infrastruttura u Proġetti Kapitali l-Onor. Ian Borg,
ippropona:-

Billi wara talba magħmula f'Marzu 2017 lid-Dipartiment tal-Artijiet tal-Gvern illum l-Awtorita tal-Artijiet, f'isem "FORTEL Services Ltd." bħala sidien tal-Fortina Hotel u amenitajiet oħra fuq il-front ta' Tigne tas-Sliema, sabiex jitneħħew xi kundizzjonijiet minn fuq il-kuntratti 228/16 datat 12/06/91, 22/96 datat 25/01/96 u 22/2000 datat 15/02/2000 li jnsabu fir-records tan-Nutar Dr.Vince Miceli.

Billi Fortel jinsabu fil-proċess sabiex is-sit jiġi ristrutturat b'investiment li jlaħhaq il-55 miljun Euro mill-istess fondi ta' Fortel kif ukoll ħrug ta' bond. Dan ir-ristrutturar ser jinkludi li s-sit jitla' għall-livell ta' ħames stiel u tizzied il-kapaċita ta' akkomodazzjoni u amenitajiet oħra fosthom mixed use. Tlett porzjonijiet ta' art li kienu n-xtraw mingħand il-gvern, għandhom xi limitazzjonijiet u allura saret din it-talba sabiex dawn il-limitazzjonijiet jitneħħew. Il-permess għal dan ix-xogħol PA/06252/17 inhareg mill-Awtorita tal-Ippjanar.

Billi l-Awtorita tal-Artijiet inkarigat tlett periti sabiex jispezzjonaw is-sit u jhejju rapport sabiex tkun tista' tintlaqa' din it-talba magħmula minn Fortel. Ir-rapport tat-tlett periti jikkonkludi li sabiex jitneħħew tali kundizzjonijiet, Fortel kellhom iħallsu lill-gvern ta' Malta s-somma ta' tmien miljuni u mitt elf euro (€8,100,000).

Billi dan ir-rapport gie mgħoddi lil Fortel, li minn naħa tagħhom qabbd u d-ditta Deloitte sabiex huma wkoll jagħmlu eżercizzju ta' valutazzjoni. L-istudju ta' Deloitte wasal għall-valur ta' żewġ miljuni u sebgha mija u wieħed u għoxrin elf, ħames mija u sitt euro (€2,721,506) sabiex jitneħħew il-kundizzjonijiet.

Billi sabiex jikkonkludu dan il-każ, mingħajr ebda dubju fuq il-korrettezza tar-rapport imhejji minn Deloitte Fortel aċċettaw li jħallsu il-valur ta' €8,100,000 mitlub mill-Awtorita tal-Artijiet. Fortel qed jitolbu lill-Awtorita li taċċetta l-kundizzjonijiet ta' ħlas hekk kif hawn indikat :

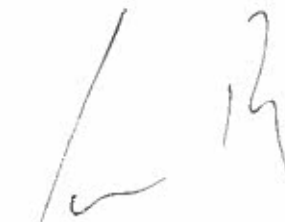
1. Somma ta' miljun euro (€1,000,000) li jithallsu mal-kuntratt u fl-istess ħin jitneħħew l-kundizzjonijiet fuq parti mill-art li Fortel diga huma s-sidien tagħha.
2. Is-somma rimanenti ta' sebgha miljun u mitt elf euro (€7,100,000) jithallsu fuq perjodu ta' għaxar snin (10) mid-data tal-kuntratt jew pagamenti wara bejgħ ta' xi propjetajiet li eventwalment iridu jinbnew wara it-tneħħija tal-kundizzjonijiet.

U billi huwa maħsub fil-paragrafu (ċ) ta' artikolu 31 tal-Att dwar Artijiet tal-Gvern (Kapitolu 573), li art li tkun proprjetà tal-Gvern jew amministrata minnu tista' tiġi trasferita skont risoluzzjoni speċjali tal-Kamra tad-Deputati li tkun fis-seħħ fil-waqt tat-trasferiment;

U billi dan ġie approvat mill-Bord tal-Gvernaturi tal-Awtorit  tal-Artijiet fis-seduta ta' nhar l-14 ta' Gunju 2019, wara li sar l-għarbiel meħtieġ u rakkomandat li jinnotifika lill-Ministru sabiex jissokta b'rizoluzzjoni Parlamentari u li-CEO biex jidher fuq il-kuntratti relatati;

U billi huwa xieraq li dan hawn fuq imsemmi jsir skont rizzoluzzjoni speċjali tal-Kamra tad-Deputati;

Għalhekk huwa b'dan rizzolut li dan l-abbozz tal-kuntratt li jinsab imqiegħed fuq il-Mejda tal-Kamra, jigi approvat minn din il-Kamra.



Hon. Dr. Ian Borg
Minister for Transport,
Infrastructure and Capital Projects

Sliema nhar il 29/8/1959 u resident Balzan u flimkien ma Adrian Zammit Tabona, Direttur u karta tal-identita numru 177752(M) u iben il-mejjet Maurizio Zammit sive Zammit Tabona u Teresa nee Galea, imwieved Floriana nhar il 24/1/1952 u resident Gudja li qeghdin jidru flimkien ghan-nom tas-socjeta 'Fortel Services Limited', kumpanija registrata fir-Registru tal-Kumpaniji ta Malta b'riferenza ittra 'c' numru tlieta sitta sitta tnejn (C 3662) b'indirizz registrat ta' Fortina SPA Resort, Tigne Sea Front, Sliema, u dawn kif awtorizzati permess ta' Artikolu tmienja (8) tal-Memorandum u l-Artikli tal-Assocjazzjoni tal-istess, u maghruf bhala FORTEL.

Fl-ewwel lok:

IL-partijiet kontraenti jippremettu:

A) Illi Fortina u Fortel flimkien huma sidien tas-sit b'kull benefikati 'llum erett fuq l-istess u dan konsistenti f'

a. Porzjoni diviza ta art flimkien mal-arja u sottosuol taghha tak-kejl superficjali komplessiv ta' circa hames t'elef sitt mija u sitta u tletin metri kwadri (5,636mk) u din flimkien mal-arja u sottosuol taghha. Illi din il-porzjoni diviza ta art kienet giet akwistata mil-axxendenti fit-titolu ta' Fortin u Fortel *inter alia* minghand terzi persuni privati permezz ta' Att tan-Nutar Paul Pellegrini Petit nhar is-sitta u ghoxrin ta' Meju elf disa' mija u hamsa u sittin (26/5/1965), Att tan-Nutar Paul Pullicino tal-ghoxrin ta' Frar tas-sena elf dis' mija u disgha u sebghin (20/2/1979), Att tan-Nutar Clyde La Rosa nhar id-dsatax ta' Novembru elfejn u tnejn (19/11/2002), u Att tan-Nutar Clyde La Rosa nhar id-dsatax ta' Novembru elfejn u tnejn (19/11/2002) u minghand il-Gvern ta' Malta permezz ta' tlett Atti ta' bejgh fl-Atti tan-Nutar Vincent Miceli nhar il hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996), hmistax ta' Jannar tas-sena elfejn (15/1/2000) u dsatax ta' Novembru tas-sena elfejn u tnejn (19/11/2002);

b. Il-porzjoni diviza ta' art minghajr l-arja taghha peress li sottposta ghal Triq ix-Xatt ta' Tigne,

gio Sliema u din flimkien mas-sottosuol taghha, u din tal-kejl ta' circa elf disa' mija u erbgha u sittin metri kwadri (1,964mk) u liema art hi murija bil-burdura kulur blu fuq il-pjanta dokument ittri 'ld' numru sitta u sebghin sbarra wiehed u disghin (LD 76/91) anness mal-Att tan-Nutar Vincent Miceli surriferit tas-sena elf disa' mija u wiehed u disghin (1991).

- c. u ukoll porzjoni diviza ta' art sal-gholi ta' metru wiehed (1m) il fuq minn Triq ix-Xatt ta' Tigne, gio Sliema u din flimkien mas-sottosuol taghha, u din tal-kejl ta' circa elf tlett mija u sitta u erbghin metri kwadri (1,346mk) u liema art hi murija bil-burdura kulur ahmar fuq il-pjanta dokument ittri 'ld' numru sitta u sebghin sbarra wiehed u disghin (LD 76/91) anness mal-Att tan-Nutar Vincent Miceli surriferit tas-sena elf disa' mija u wiehed u disghin (1991) u tikkonfina min-Nofsinhar ma Xatt il Bahar u mit-Tramuntana mal-porzjoni surriferita.

Minn issa il quddiem l-propjeta kongunta ta' Fortina u Fortel hi maghrufa bhala s-'SIT. Illi s-Sit jintab muri in total f'varji porzjonijiet ikkuluriti fuq il-pjanta hawn annessa bhala dokument 'a'.

B) Illi s-Sit hu kompost minn erba' porzjonijiet ta' propjeta li huma

- a. L-ewwel porzjoni ta' propjeta hi propjeta immobbli li Fortina u Fortel jew l-axxendenti fit-titolu taghhom kien privatament akwistaw u xtraw sabiex kienet bdiet topera l-lukanda originali Fortina Hotel gio Triq ix-Xatt ta' Tigne gio Sliema, b'dana li din il-propjeta privata tinkorpora l-maggioranza assoluta tal-faccata tal-istess lukanda bi sporgenza diretta minn ma Triq ix-Xatt ta' Tigne. Illi tali propjeta immobbli, bhala qbija ta' propjetajiet fil-vicinat minhabba l-vicinanza ta' fortizzi militari, illum mhux militarment utilizzati, kienu soggetti ghal *military clearance rights* lejn l-istess militar u anki dawn riflessi permezz ta' kuntratt fl-Att tan-Nutar Carmelo Farrugia tat-tlett ta' Gunju

elf disa' mija u wiehed u hamsin (13/6/1951) fejn fuq sit trasferit mil-Gvern Centrali ta' hmistax punt tnejn tlieta qasab kwadri (15.23 qk) gie impost obbligu li ma jigix erett bini oltre hmistax il pied u zewg pulzieri minn wicc it-Triq, pero fuq l-istess pjanta hemm annessa hemm indikat li l-art bhala libera u franka (u cioe hielsa minn obbligi) ghanda valur, u liema valur attwalment kien gie pjenament imhallas minghajr l-ebda riserva minhabba tali restrizzjoni. Attwalment tali propjeta kienet giet mibjugha sussegwentament permezz ta' Att tan-Nutar John Spiteri Maempel nhar id-dsatax ta' Lulju elf disa' mija u erbgha u hamsin (19/7/1954) kull ma gie indikat hu li kien hemm *military clearance rights*, u dan ukoll accennat fuq att akwisittiv iehor minn terzi privati maghmul in Atti Paul Pellegrini Petit nhar it-tlieta u ghoxrin ta' April elf disa' mija u disgha u hamsin (23/4/1959) u iehor tal-istess Nutar tat-tlieta ta' Jannar elf disa' mija u tnejn u sittin (3/1/1962), fejn f'dawn l-Atti tal-ahhar hemm ukoll indikazzjoni ghal tali *military clearance rights* u anki ghal deroga parzjali mill-istess. Fil-gurnata ta' llum n-necessita' ta tali drittijiet ghal raguni militari *de facto* ma hijiex necessarja.

b. Ir-rimanenti tlett porzjonijiet gew akwistati permezz ta' tlett kuntratti fl-Atti tan-Nutar Vincent Miceli hawn isfel ahjar delinjati :

i. Illi permezz ta' Att tan-Nutar Vincent Miceli tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991) il-Gvern ta' Malta biegh lil Fortel il- porzjoni diviza ta art tal-kejl ta circa erba' mija u hamsa u sittin metri kwadri (465mk) u din minghajr access stradali u konfinanti hekk kif indikat fuq l-istess Att, U l-kamra fil-pjan terran sottopost tal-kejl ta circa tlieta u ghoxrin metri kwadri (23 mk) u din diga kienet sottoposta ghal beni tal-istess Fortel, u b'access minn Triq ix-Xatt ta Tigne gio Sliema, u ukoll murija fuq pjanta mal-Att mehmuz, u

il-porzjoni diviza ta art flimkien minghajr l-arja taghha peress li sottoposta ghal Triq ix-Xatt ta' Tigne, gio Sliema u din flimkien mas-sottosuol taghha, u din tal-kejl ta circa elf disa' mija u erbgħa u sittin metri kwadri (1,964mk) u liema art hi murija bil-burdura kulur blu fuq il-pjanta dokument ittri 'ld' numru sitta u sebghin sbarra wiehed u disghin (LD 76/91) anness mal-Att tan-Nutar Vincent Miceli surriferit tas-sena elf disa' mija u wiehed u disghin (1991) u ukoll porzjoni diviza ta art flimkien sal-gholi ta metru wiehed il fuq minn Triq ix-Xatt ta' Tigne, gio Sliema u din flimkien mas-sottosuol taghha, u din tal-kejl ta circa elf tlett mija u sitta u erbgħin metri kwadri (1,346mk) u liema art hi murija bil-burdura kulur ahmar fuq il-pjanta dokument ittri 'ld' numru sitta u sebghin sbarra wiehed u disghin (LD 76/91) anness mal-Att tan-Nutar Vincent Miceli surriferit tas-sena elf disa' mija u wiehed u disghin (1991). Illi tali propjeta hawn mibjugħa hi soggetta għas-servitu li tintuza bhala estensjoni tal-facilitajiet tal-kumpless magħruf bhala l-Fortina Hotel.

- ii. Illi permezz ta' Att tan-Nutar Vincent Miceli tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996) il-Gvern ta' Malta biegh lil Fortel il- porzjoni diviza ta art tal-kejl ta' circa elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk) u konfinanti mil-Lbic in parti mal-Gvern Civili u in parti ma beni ta' Fortel stess, mix-Xlokk in minor parti ma Triq ix-Xatt ta' Tigne u in maggior parti ma beni tal-istess Fortel u mil-majjistral ma Triq Censu Xerri gio Sliema u murija ibburdurata bl-ahmar fuq il-pjanta ittri 'ld' numru mitejn u tmienja sbarra

hamsa u disghin (LD 208/95) annessa ma dan il-Att. Tali propjeta hi soggetta ghas-servitu / dritt hemm kostitwiti fuq dan il-Att surriferit ta' :

1. Uzu ghal skopijiet ta estensjoni tal-lukanda Fortina u ghalhekk intiza bhala estensjoni ta facilitajiet ghall-istess lukanda surriferita;
2. Ghal *Altius non tollendi* oltre livell stabbilit fuq pjanta mehmuza mal-istess Att surriferit dokument 'XX' u *non aedificandi* salv ghal bini permess fuq il-pjanta annessa ma' Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996), b'dana pero li Fortel gie permess sabiex jaghmel kwalunkew xoghol necessarju fuq il-propjeta fil-livelli sottostanti l-livell u marka indikata ghar-riserva tad-dritt ta' *altius non tollendi*.
3. Ghall-obbligu ta' rikostruzzjoni ta' pitch tal-bocci u kmamar li ma jeccedux tletin metri kwadri (30mk) sabiex iservu bhala store u toilets ghall-istess pitch tal-bocci, *boundary wall*, u *swimming pool* u *emergency exits*, bini ghal *substation*, *garden landscaping*, skond pattijiet indikati fuq l- Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996);
4. Ghall-obbligu li sid il-propjeta ma jkunx jista jitlob l-ebda

kumpens minhabba estensjoni tas-substation ghal provista tad-dawl)

iii. Illi permezz ta' Att tan-Nutar Vincent Miceli tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) il-Gvern ta' Malta biegh lil Fortel il-porzjoni diviza ta' Art tal-kejl superficjali ta circa elf erba' mija u wiehed u ghoxrin metri kwadri (1,421 mk) u konfinanti mit-Tramuntana ma beni koncessi lil MIDI plc, min-Nofsinhar ma beni ta Fortel stess u mil-Punent mal-bini maghruf bhala 'Saint Luke's Garrison' propjeta tal-Gvern Centrali jew l-*avventi causa*, u din sabiex tintuza esklussivament bhala estensjoni tal-Fortina Hotel, u liema porzjoni diviza ta art filwaqt li hi soggetta ghal dritt ta restrizzjoni ezercitabbli bhala *altius non tollendi*, hemm ukoll indikat fl-istess Att li kemm il darba l-Gvern jirilaxxa tali dritt ma ghandhu jkun hemm l-ebda hlas addizzjonali a favur il-Gvern ta Malta u bil-pattijiet u termini ulterjuri hemm indikati. Oltre fl-istess Att kien hemm ukoll koncessjoni ghall-isporgenza tal-gallarijiet kif ahjar indikati fuq l-istess Att. ()

C) Illi Fortina u Fortel qeghdin fil-process li jiddiversifikaw l-interessi taghom fuq is-Sit, u jaggiornaw l-facilitajiet ta' ospitalita' tal-lukanda li ha tinzamm u tkompli topera u in generali tinvesti sabiex taggiorna s-Sit kollu ghaz-zmienijiet ta' llum, u fil-process tal-istess hemm necessita li certa restrizzjonijiet li jingumbraw dan l-izvilupp jigu rimossi;

D) Illi Fortina talbet lil Gvern ta' Malta sabiex tixtri u takwista kull dritt ta enforzar tas-servitu restrittiv li l-Gvern ta' Malta ghandhu fuq u aggravanti certi sezzjonijiet mil-propjeta immobbli taghha hawn aktar il quddiem deskritti, b'dana li tali servitujiet jigu estinti, u anki li l-Gvern ta Malta jirrinzunja ghal kull obbligu impost fuq il-propjeta u ezercitabbli mil-Gvern ta' Malta inkluz izda mhux limitat ghal dawk imsemmija

fl-Atti kollha hawn fuq imsemmija, b'dana pero li Fortel qeghda hawn taccetta li l-obbligu li tuza parti mill -immobbli propjeta taghha ghal skopijiet ta' turismu u partikolarment bhala lukanda u facilitajiet ta' estenzjoni ta' lukanda jibqghu fermi u validi u integri;

E) Illi l-propjeta immobbli li dwarha qeghdin jitolbu t-tnehhija tas-servitujiet u obbligi huma s-segwenti :

a. It-tnehhija tas-servitu impost ta' uzu ghal skopijiet ta' turismu u bhala estenzjoni ta' lukanda impost fuq l-Att tan-Nutar Vincent Miceli tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991) u dan limitament fuq il-art indikata taht il-paragrafu 'a' tal-istess Att tal-kejl ta' kif kienet indikata ta' circa erba' mija u hamsa u sittin metri kwadri (465mk) u hemm ahjar deskritta u anki fuq il-kamra fil-pjan terran ta' circa tlieta u ghoxrin metri kwadri (23mk) deskritta ahjar fil-paragrafu 'b' fuq l-istess Att tan-Nutar Miceli surriferit. B'dana li tali servitu ta' uzu ghal estenzjoni ta' lukanda impost fuq l-immobbli l-ohra indikati taht paragrafi 'C' u 'D' tal-istess Att ghandhom jibqghu fermi, validi u integri.

b. Illi fuq il-porzjoni diviza ta' art mibjugha mil-Gvern ta' Malta in forza tal-Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996) tal-kejl ta' circa elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk) u b'access minn naha tal-punent minn Triq Censu Xerri, Sliema, qed jigi mitlub li din kollha ma tibghax soggetta ghal skopijiet ta' turismu u bhala estenzjoni ta' lukanda hekk imposti fuq l-imsemmi Att u oltre

i. Fuq porzjoni ta' art minn l-istess art intiera ta' elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk), tal-kejl ta' circa seba' mija u sitta u sittin metri kwadri (766mk) titnehha ukoll kull servitu u restrizzjoni ta' *altius non tollendi*, u *non aedificandi* b'mod limitat ghal bini permess fuq il-pjanta annessa ma' Att tan-Nutar Vincent Miceli tal-

hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996), b'dana li fuq tali art wiehed ikun jista liberament jtella kull u kwalunkwe bini permess mil-Awtorita' tal-Ippjanar u

- ii. Fuq porzjoni ta' art minn l-istess art intiera ta' elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk), tal-kejl ta circa elfejn mitejn u ghoxrin metru kwadru (2,220mk) titnehha kull servitu ta' *non aedificandi* bl-aktar mod ampju u tibqa biss is-servitu ta *altius non tollendi*, b'dana li fuq tali art wiehed ikun jista liberament jtella kull u kwalunkwe bini permess mil-Awtorita' tal-Ippjanar pero basta dan ma jeccedix l-gholi ta' hmistax punt sebgha zero metri (15.70m) ikkalkolati minn l-*average mean sea level* (AMSL). Oltre ghal kull fini u effett kemm il darba Fortina/Fortel jkollhom sporgenzi (projections) tramite gallariji li jesporgu ghall-istess art, tali sporgenzja ma tkunx kunsidrata bhala ksur tal-*altius non tollendi* hawn riservat ghaliex din tkun primarjament struttura li giet xprunata minn bini li ma huwiex soggett ghal tali restrizzjoni ta *altius non tollendi*, basta pero dawn ikunu *projections/sporgenzi* jew gallariji/terrazzini, imsaqqfa jew mikxufa. Oltre kull obbligu li fuq l-art tal-istess Fortina, ssir rikostruzzjoni ta' *pitch* tal-bocci u facilitajiet ancillari, *boundary wall*, u *swimming pool* u *emergency exits*, bini ghal *substation*, *garden landscaping*, qed jigi mitlub li jitnehhew. Partikolarment l-*pitch* tal-bocci u facilitajiet ancillari kienu jezistu pero spiccaw derelitti minhabba n-non uzu. Oltre qed jigi mitlub li titnehha u tigi rimossi b'mod permanenti l-obbligu li Fortina u Fortel ma jkunux jista jitolbu l-ebda kumpens minhabba estensjoni tas-substation ghal provista tad-dawl. (

c. Finalment b'riferenza ghal kuntratt tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) fejn il-Gvern ta' Malta biegh lil Fortel Services Limited porzjoni diviza ta art tal-kejl ta elf erba' mija u wiehed u ghoxrin metri kwadri (1,421mk), qed jigi mitlub li

i. r-restrizzjoni ta' *altius non tollendi* oltre certa gholi u hekk kif fuq l-Att impost aggravanti parti minn tali art mibjugha tal-kejl ta' circa disa' mitt metru kwadru (900mk) jigi imnehhi,

ii. Filwaqt li fuq l-istess Att kien hemm ukoll koncessjoni ghall-isporgenza tal-gallarijiet kif ahjar hemm indikati mis-servitu succitat, qed jigi hawnhekk mitlub li peress li s-servitu' ta' *altius non tollendi* qed jitnehha, ghal fini ta kjarezza kull restrizzjoni konnessa mal-istess, inkluz izda mhux limitat ghal gallarijiet u sporgenzi tagghom, qeghda ukoll tigi mitluba li tigi rimossa.

iii. Illi fuq porzjoni ta art tal-kejl ta mitejn u hamsa u sebghin metri kwadri (275mk) minn l-AMSL sa' hmistax punt sebgha zero metri (15.70m) ikkalkolati minn l-AMSL, jitnehha l-obbligu li tali propjeta tintuza bhala estensjoni tal-Fortina Hotel

iv. Illi fuq porzjoni ta art tal-kejl ta circa erbgħa mija u tletin metru kwadru (430mk) u din tifforma parti mil-art akwistata minn Fortel fuq tali Att l-obbligu li tali sit jintuza bhala estensjoni tal-Fortina Hotel ghandhu jibqa' hemm.

F) Illi l-Gvern ta' Malta għamel il-valutazzjoni tat-talba lilu magħmula minn Fortina u Fortel, u anki għamel valutazzjoni pekunarja indipendenti tal-valur ta' dawn il-jeddijiet li qed jigu mitluba li jigu rimossi minn Fortina u Fortel;

G) Illi l-Gvern ta' Malta, għar-rimossjoni u/jew modifika

ta tali jeddijiet fuq il-propjeta stabilixxa l-valur ta' tmien miljuni u mitt elf euro (€8,100,000).

H) Illi Fortina u Fortel ikkommissjonaw perizja indipendenti imfassla mil-kumpanija ta awdituri 'Deloitte' fis-sede taghhom ta' Malta sabiex tistabilixxi valur ghar-rimossjoni u/jew modifika ta tali jeddijiet fuq il-propjeta u liema valur indipendenti stabbilit hu ta' zewg miljuni seba' mija u wiehed u ghoxrin elf hames mija u sitt euro (€2,721,506) u liema dokument jinstab ghand il-Gvern ta Malta fil-file relativ u gie accettat, salv ghal prezz rivedut li l-Gvern ta' Malta ma accettax.

D) Illi Fortina minhabba cirkostanzi kummercjali u logistici lil hinn mil-kontrol taghha f'dan l-istadju, peress li l-applikazzjoni originalment sottomessa ilha certa terminu ta zmien, accettat a sald ta' kull jedd u terminazzjoni ta drittijiet surriferiti il-valur stabbilit mil-Gvern ta' Malta sabiex tkun f'posizzjoni li tghalaq in-negozjati taghha, u liema accettazzjoni l-Gvern ta' Malta laqa'.

J) Illi ghalhekk u dana premess l-Gvern ta' Malta gie debitament awtorizzat sussegwentament jiprocedi bil-pubblikazzjoni ta' dan il-Att ai termini ta' artikolu 31 (c) tal-Kapitolu hames mija u tlieta u sebghin tal-ligijiet ta' Malta (573) wara li ingabet rizoluzzjoni parlamentari _____

Illi ghalhekk u dana premess u bis-sahha tal-prezenti l-Gvern ta' Malta qiegħed :

- a. Jagħti l-kunsens u effettivament inehhi s-servitu impost ta' uzu għal skopijiet ta' turismu u bhala estensjoni ta' lukanda impost fuq l-Att tan-Nutar Vincent Miceli tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991) u dan limitatament fuq il-art, indikata taht il-paragrafu 'a' tal-istess Att tan-Nutar Miceli tas-sena elf disa' mija u wiehed u disghin (1991), tal-kejl ta' circa erba' mija u sebgha u tmenin metri kwadri (487mk) (qabel indikata li kellha kejl ta' erba' mija u hamsa u sittin metri kwadri (465mk)) u

hemm ahjar deskritta

- b. Jaghti l-kunsens u effettivament inehhi s-servitu impost ta' uzu ghal skopijiet ta' turismu u bhala estensjoni ta' lukanda impost fuq l-Att tan-Nutar Vincent Miceli tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991) u dan fuq il-kamra fil-pjan terran ta' circa tlieta u ghoxrin metri kwadri (23mk) deskritta ahjar fil-paragrafu 'b' fuq l-istess Att tan-Nutar Miceli surriferit tas-sena elf disa' mija u wiehed u disghin (1991).

B'dana li tali servitu ta' uzu ghal estenzjoni ta' lukanda impost fuq l-immobbli l-ohra indikati taht paragrafi 'C' u 'D' tal-istess Att tan-Nutar Miceli tas-sena elf disa' mija u wiehed u disghin (1991) ghandhom jibqghu fermi, validi u integri.

- c. Jaghti l-kunsens u effettivament inehhi s-servitu impost ta' uzu ghal skopijiet ta' turismu u bhala estensjoni ta' lukanda impost fuq il-porzjoni diviza ta' art mibjugha mil-Gvern ta' Malta in forza tal-Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996) tal-kejl ta' circa elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk) u b'access minn naha tal-punent minn Triq Censu Xerri, Sliema, hekk kif ahjar deskritta fuq l-istess Att;

- d. Jaghti l-kunsens u effettivament inehhi s-servitu impost ta' *non aedificandi* originalment impost fuq l- kuntratt tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996) fuq l-art intiera ta' circa elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk) u b'access minn naha tal-punent minn Triq Censu Xerri, Sliema, hekk kif ahjar deskritta fuq l-istess Att.

- e. Jaghti l-kunsens u effettivament inehhi s-servitu impost ta' *altius non tollendi* u dan limitament in kwantu jaffettwa il-porzjoni diviza ta' art tal-kejl ta' seba' mija u sitta u sittin metri kwadri (766mk) (u din bhala formanti parti

minn l-art intiera trasferita fuq l- kuntratt tan-Nutar Vincent Miceli tal- hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996) fuq l-art intiera ta' circa elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk)) u konfinanti min-Nofsinhar in maggior parti mal-art originalment trasferita b'Att tan-Nutar Vincent Miceli tat-tnax ta' Gunju elf disa' mija u wighed u disghin (12/6/1991), illum propjeta ta Fortina, u in minor parti ukoll ma propjeta ta Fortina akwistata minghand terzi persuni privati u mit-Tramuntana mar-rimanenti art mibjugha fuq l- kuntratt tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996), illum ukoll propjeta ta Fortel.

- f. Jaghti l-kunsens u effettivament jimmodifika s-servitu impost ta' *altius non tollendi* fuq l-Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin t a' Jannar elf disa' mija u sitta u disghin (25/1/1996) sabiex fuq il-porzjoni diviza ta art tal-kejl ta' circa mitejn u ghoxrin metru kwadru (2,220mk) (u din formanti parti mill-art intiera ta' elfejn disa' mija u tnejn u disghin metri kwadri (2,992mk) mibjugha permezz tal-Att tan-Nutar Vincent Miceli surriferit tal-hamsa u ghoxrin t a' Jannar elf disa' mija u sitta u disghin (25/1/1996) jibqa ferm u validu biss ghal kwalunkwe struttura li teccedi l-gholi ta' hmistax punt sebgha zero metri (15.70m) ikkalkolati minn l-*average mean sea level* (AMSL), u b'hekk wara permessi adegwati mil-Awtorita' tal-Ippjanar, Fortina bhala s-sid attwali tkun tista liberament tibni u tikkonstruwixxi kwalunlwe benefikat minn tali livell l-isfel minn tali livell ta' hmistax punt sebgha zero metri (15.70m) ikkalkolati minn l-*average mean sea level* l-isfel *ad usque ad inferos*.
- g. Inehhi u jirrimwovi b'mod permanenti l-obbligu li ssir rikostruzzjoni ta' *pitch* tal-bocci u facilitajiet ancillari, *boundary wall*, u *swimming pool* u *emergency exits*, bini ghal *substation*, *garden landscaping* skond pattijiet indikati fuq

l- Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996);

- h. Jaghti l-kunsens sabiex s-servitu impost ta' *altius non tollendi* u kull obbligu hemm ancillari, inkluz izda mhux limitat ghal-koncessjoni ta' deroga ta' sporgenzi ta' gallarijiet, naxxenti minn l-Att tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) mil-Gvern ta' Malta, u dan :
- i. In kwantu ghall-art tal-kejl ta' circa erba' mija u tletin metri kwadri (430mk) hawn isfel ahjar indikata s-servitu ta' *altius non tollendi* **ghandhu jitnehha** bl-aktar mod ampju, u b'hekk anki kull restrizzjoni jew koncessjoni li tirregola l-isporgenzi ta' gallarijiet fil-bini hemm mibni jew li ghad irid jinbena;
 - ii. In kwantu ghall-art tal-kejl ta' circa mitejn u hamsa u sebghin metri kwadri (275mk) u konfinanti mit-Tramuntana u Majjistral ma propjeta ta' MIDI plc, u mix-Xlokk ma propjeta ta' Fortina/Fortel, is-servitu ghandhu jigi stabbilit sabiex hu applikabbli mil-livell ta' hmistax punt sebgha zero metri (15.70m) metri il fuq minn l-AMSL il fuq u cioe minn tali livell il fuq, l-ebda zvilupp ma jkun jista jigi maghmul jew effetwat minn Fortel/Fortina, pero **minn tali livell l-isfel kull benefikat permess mil-awtoritajiet tal-ippjanar minn zmien ghal zmien ikun jista jigi effetwat.** Oltre kull restrizzjoni jew koncessjoni li tirregola l-isporgenzi ta' gallarijiet fil-bini hemm mibni jew li ghad irid jinbena fuq din l-art qeghda titnehha;
- i. Jaghti l-kunsens u effettivament jitnehha l-obbligu impost ta' utilizzazzjoni ta' propjeta ghall-uzu esklussiv ta' estensjoni tal-Fortina

Hotel naxxenti minn l-Att tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000), u dan limitament fuq art tal-kejl ta' circa mitejn u hamsa u sebghin metri kwadri (275mk) u konfinanti mit-Tramuntana u Majjistral ma propjeta ta MIDI plc, u mix-Xlokk ma propjeta ta' Fortina/Fortel. Illi tali art tiffirma parti minn art akbar tal-kejl ta elf erba' mija u wiehed u ghoxrin metri kwadri (1,421mk) originalment mibjugha fuq l-Att tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) hawn fuq imsemmi.;

- j. Jaghti l-kunsens u effettivament jitnehha l-obbligu impost ta' utilizzazzjoni ta' propjeta ghall-uzu esklussiv ta' estensjoni tal-Fortina Hotel naxxenti minn l-Att tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000), u dan limitament fuq art tal-kejl ta' circa erba' mija u tletin metri kwadri (430mk) mil-livell ta' hmistax punt sebgha zero metri (15.70m) metri il fuq minn l-AMSL u dan *ad usque ed inferos*, **b'dana li minn tali livell il fuq tali restrizzjoni ghanda tibqa'**. Tali art tikkonfina mil-Grigal u Majjistral ma beni ta MIDI plc, u min-Nofsinhar ma beni ta Fortina. Illi tali art tiffirma parti minn art akbar tal-kejl ta elf erba' mija u wiehed u ghoxrin metri kwadri (1,421mk) originalment mibjugha fuq l-Att tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) hawn fuq imsemmi. Illi l-porzjoni diviza ta' art tal-kejl ta circa erba' mija u tletin metri kwadri (430mk) tikkonfina mil-grigal ma beni ta MIDI plc jew l-avventi causa, mil-majjistral mal-porzjoni ta art tal-kejl ta mitejn u hamsa u sebghin metri kwadri (275mk) hawn imsemmija u mil-Lbic ma propjeta ta Fortina. Illi l-porzjoni diviza ta' art tal-kejl ta' mitejn u hamsa u sebghin metri kwadri circa (275mk) tikkonfina mil-Grigal ma beni ta' MIDI plc jew l-avventi causa, mil-majjistral ma xaft ta' MIDI plc li jigi biswit l-bini maghruf bhala 'Saint Luke's Garrison' propjeta tal-Gvern Centrali jew l-avventi causa, u mix-xlokk mas-surriferita porzjoni ta art tal-

kejl ta' erba' mija u tletin metri kwadri (430mk);

- k. Finalment ghal fini ta' kjarezza ta' titolu, u b'mod generali inehhi u jirrimwovi kull u kwalunkwe jedd, interess, servitu', obligazzjoni, obligazzjoni negattiva, interess personali, *altius non tollendi altrui*, kwalunkwe obbligu residwali ta' *military clearance rights* aggravanti s-SIT u a beneficcju tal-Gvern ta' Malta, sabiex il-Propjeta giet reza libera u franka bl-aktar mod assolut minn drittijiet u jeddijiet a favur il-Gvern ta' Malta salv ghal dawk id-drittijiet u jeddijiet kollha a beneficcju tal-Gvern ta' Malta naxxenti minn l-Atti tan-Nutar Vincent Miceli surriferiti tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991), tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996) u tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) u sakemm ma gewx hawn rimossi, modifikati u/jew ridotti.

Ghalhekk u salv id-disposizzjonijiet hawn fuq maghmula, il-Gvern ta' Malta izomm drittijiet l-ohra naxxenti minn l-Atti tan-Nutar Vincent Miceli surriferiti tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991), tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996) u tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) fermi u validi u integri.

Illi ghalhekk u wara dan il-Att, u ghal fini ta' kjarezza l-imsemmija pjanta dokument 'a' hawn annessa turi liema servitujiet ghadhom fermi u validi fuq is-Sit u cioe :

- a) Illi drittijiet u jeddijiet tal-Gvern ta' Malta fuq il-parti tas-sit muri bil-perimetru ahmar u internament immarkat bil-kulur ikhal ma gie bl-ebda mod varjat u dan tal-kejl globali illum ta' tlett t'elef hames mija u hmistax il metru kwadru circa (3,515mk), u din murija fuq l-Att tan-Nutar Vincent Miceli tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991);
- b) Illi fuq il-parti murija ipperimetrata bl-ahmar u internament immarkata bl-ahdar, l-Gvern ta' Malta wara dan il-Att irrinunzja ghal kull dritt u jedd li hu

seta' kellu u b'hekk tali propjeta giet reza kompletament libera u franka u dintal-kejl totali ta' circa elf disa' mija u sebgha u erbghin metri kwadri (1,947mk). Tali art per intier tikkonfina min-Nofsinhar ma Triq ix-Xatt ta' Tigne, u mit-Tramuntana u Lvant ma beni ta' Fortina. Illi tali porzjoni fiha tikkomprensi

- a. porzjoni diviz ta' art ta' forma triangolari tal-kejl ta' circa sitt mija u erbgha u disghin metri kwadri (694mk) u din sitwata mal-faccata kwazi kollha ta' Triq ix-Xatt ta' Tigne gio Sliema u din kienet mixtrija mhux mil-Gvern ta' Malta imma minn terzi persuni privati minn Fortel/Fortina jew l-axxendenti fit-titolu taghhom; u
- b. porzjoni ohra tal-kejl ta' circa erba' mija u sebgha u tmenin metri kwadri (487mk) minghajr access dirett mit-Triq u porzjon ohra tal-kejl ta' circa tlieta u ghoxrin metri kwadri (23 mk) b'access minn Triq ix-Xatt ta' Tigne gio Sliema, akwistati permezz tal-Att tan-Nutar Vincent Miceli tat-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991) hawn fuq ahjar deskritti u fuq liema kien hemm soggettazzjoni ghall-uzu ta' estenzjoni ta' lukanda li illum giet rimossa; u
- c. porzjoni ohra tal-kejl ta' circa seba' mija u sitta u sittin metri kwadri (766mk) akwistata bhala parti minn art akbar in forza ta' Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996), hawn fuq u aktar kmien fuq dan il-Att ahjar deskritta, u fuq liema kien hemm ghall-uzu ta' estenzjoni ta' lukanda, soggettazzjoni ta' *altius non tollendi* u *non aedificani*, li illum gew rimossi; u

Illi fuq il-parti ipperimetrata bl-ahmar u internament b'kulur orangjo, u din tal-kejl ta' elfejn hames mija u ghaxar metri kwadri (2,510mk) li tikkonsisti in maggior parti bhala parti mil-art li kienet giet mibjugha bhala parti minn art akbar in forza ta' Att tan-Nutar Vincent Miceli tal-hamsa u ghoxrin ta' Jannar elf disa' mija u sitta u disghin (25/1/1996), u in minor parti bhala parti minn l-art fl-Atti tan-Nutar Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000), li kienet soggetta in parti ghal *altius non tollendi* u permezz ta' dan l-Att tali *altius non tollendi* **gie aggiustat u mhux imnehhi**, soggett ghal *non aedificandi* li permezz ta' dan il-Att tali dritt gie imnehhi, u li l-obbligu li tali art tintuza ghal estensjoni tal-lukanda jew ghal skopijiet turistici, u dan id-dritt ahhari gie b'dan l-Att imnehhi. Tali art tikkonfina minn nofsinhar in parti ma beni ta' Fortina u in parti ma beni

ta varji terzi persuni mhux maghrufa, mil-Majjistral in parti ma Triq Censu Xerri u in parti ma propjeta tal-Gvern ta Malta jew l-avventi causa, u mil-Grigal in parti ma beni ta MIDI plc u in parti ma propjeta ta Fortel/Fortina.

- c) Illi in kwantu ghal parti ipperimetrata bil-ahmar u internament b'kulur kannella, tal-kejl ta circa erba' mija u tletin metri kwadri (430mk) u din formanti parti mil-part akwistata in Atti Vincent Miceli tal-hmistax ta' Frar tas-sena elfejn (15/2/2000), u konfinanti mil-Grigal ma beni ta MIDI plc u min Nofsinhar u Majjistral ma beni ta Fortina, u fil-livell taghha ikkalkolati mil-livell ta' hmistax punt sebgha zero metri (15.70m) metri il minn l-*AMSL ad usque ed inferos* giet wara dan l-Att reza libera mill-obbligu li tali art tintuza ghal estensjoni tal-lukanda jew ghal skopijiet turistici, **pero tali dritt baqa in effett sopra tali livell surriferit**, u oltre kull restrizzjoni **ta altius non tollendi gie imnehhi**.
- d) In kwantu ghal parti ipperimetrata bil-ahmar u internament b'kulur isfar, tal-kejl ta circa sitt mija u hamsa u tletin metri kwadri (635mk) u din konfinanti minn Nofsinhar u Xlokk ma Triq ix-Xatt ta Tigne, u mil-Punent ma beni ta Fortina u akwistata bhala parti minn l-art mibjughha in forza tal-Att tan-Nutar Vincent Miceli tal-hmistax ta Frar tas-sena elfejn (15/2/2000), fil-livell taghha ikkalkolati mil-livell ta' hmistax punt sebgha zero metri (15.70m) metri il minn l-*AMSL ad usque ed inferos* giet wara dan l-Att reza libera mill-obbligu li tali art tintuza ghal estensjoni tal-lukanda jew ghal skopijiet turistici, **pero tali dritt baqa in effett sopra tali livell surriferit**.
- e) Finalment u oltre r-rinunzji ta obbligi specifici hawn fuq imsemmija, fuq is-Sit kollu l-Gvern ikkonsolida d-drittijiet tieghu billi stabilixxa li **salv** ghal dawk id-drittijiet imposti fuq it-tlett **Atti surriferiti tan-Nutar Vincent Miceli** kif illum modifikati, hu ma ghadhu u ma hu qed jivvanta l-**ebda dritt ulterjuri**.

U Fortina u Fortel kif hawn rappresentata qeghdin hawn jaccettaw tali riduzzjonijiet, rimossjonijiet u modifiki ta' obbligi fuq immobbli propjeta taghhom

Il-valur moghti stabilit mill-Gvern ta' Malta ghar-riduzzjoni u rimossjoni u tnehhija tal-kundizzjonijiet kif hawn fuq indikat huwa ta' tmien miljuni u mitt elf euro (€8,100,000) u liema prezz ha jithallas bis-segwenti modalita' :

- 1) Illi prezenzjalment Fortina qeghda hawn thallas is-somma ta' miljun euro (€1,000,000) lil Gvern ta' Malta u dan jaccetta bhala pagament akkont tal-prezz.
- 2) Illi in kwantu ghal bilanc ta' seba' miljun u mitt elf euro (€7,100,000) wara l-pagamenti surriferiti jigu effettwati jigu imhallsa lil Gvern ta' Malta minghajr imghaxx sa mhux aktar tard minn ghaxar (10) snin b'effett m'illum.
- 3) Illi ai termini ta' artikolu elfejn u ghaxra (2010) tal-Kodici Civili, Kapitolu sittax tal-Ligijiet ta' Malta, peress li l-Gvern ta' Malta ghandhu jedd ghal bilanc ta' hlas tal-prezz hu intitolat li jirriserva l-privilegg speċjali spettanti lil skond il-Ligi fuq il-propjeta effettwata, pero u peress li fuq dan il-Att qed issir terminazzjoni u modifika ta' drittijiet u mhux bejgh ta' propjeta immobbli, fuq liema immobbli l-istess Gvern ta' Malta hu privilegga jista' jkun soggett ghal interpretazzjoni. Illi ghalhekk l-Gvern talab lil Fortina jiprovdi garanzija sufficjenti in kawtela tal-hlas tal-bilanc ta' prezz.
- 4) Illi in kawtela tal-hlas tal-imsemmi bilanc ta' prezz ta' seba' miljun u mitt elf euro (€7,100,000) dovut lil Gvern ta' Malta wara dan il-Att Fortina qeghda hawn toffri a favur il-Gvern ta' Malta, li jaccetta, ipoteka speċjali fuq porzjoni diviza ta' art ikkalkulata u sitwata fis-Sit tal-kejl ta' circa _____ u din kalkolata mil-livell ta' tmax punt zero sitta metri (12.06m) meta kkalkolat minn AMSL u din intiza ghal bini ta' blokka ta' _____ (____) appartamenti, u din murija ipperimetrata bl-ahmar fuq il-pjanta hawn annessa bhala dokument 'B' u din minghajr is-sottosuol taghha mil-livell surriferit l-isfel, pero flimkien mal-arja kollha taghha, u flimkien ma kull benefikat hemm erett illum jew wara dan il-Att u minn issa il quddiem maghrufa bhala l-PROPJETA IPOTEKATA. Illi l-Propjeta Ipotekata tikkonfina min-Nofsinhar ma Triq ix-Xatt ta' Tigne, mit-Tramuntana ma propjeta ta' Fortina intiza bhala pjazza, mil-Punent ma' propjeta ta' Fortina intiza sabiex tigi zviluppata fi blokka ufficini. Il-Propjeta Ipotekata salv ghall-ipoteka hawn kostitwita a favur il-Gvern ta' Malta hi libera u franka u okkupata

prezenzjalment minn Fortina u terzi minnha imqabba peress li qeghdin isiru xogholijiet ta kostruzzjoni fuq l-istess.

5) Ghalhekk filwaqt li l-Gvern ta' Malta jaccetta l-kostituzzjoni ta' ipoteka specjali fuq l-Propjeta Ipotekata in kawtela tal-hlas tal-bilanc ta' prezz peress li l-valur tal-istess Propjeta Ipotekata ferm jeccedi l-bilanc ta' prezz, qed hawnhekk formalment jirrinunzja ghal kull jedd ta' privilegg li ghandhu jew jista jkollu fuq is-Sit kollu jew parti minnha b'mod definittiv u irrevokabbli a skans ta' kull kwistjoni legali li jista jinholoq fuq l-interpretazzjoni tal-istess.

6) Illi l-Gvern ta' Malta oltre qed hawnhekk jaccetta li kemm il darba Fortina tkun tixtieq titrasferixxi wiehed jew aktar minn l-appartamenti li ghandhom jigu mibnija fil-Propjeta Ipotekata, huma jkunu jistghu jaghmlu hekk billi mhux anqas minn tletin (30) gurnata qabel it-trasferiment propost tinforma lil-Awtorita' tal-Artijiet b'dan u ukoll tinforma lill-Awtorita' tal-Artijiet b'data meta l-kuntratt ta' trasferiment propost ghandu jsir u fejn, tinforma u tikkonferma lill-Awtorita' tal-Artijiet t-total ta' rimanenti appartamenti li ha jibqghu soggetti ghall-ipoteka specjali ghal bilanc ta' prezz wara dan il-Att propost, u jikkonfermaw lill-Awtorita' tal-Artijiet kemm ha jkun l-ammont ta' hlas li l-istess Fortina ha taghmel lill-Awtorita' sabiex l-ipoteka specjali fuq tali appartamenti li ha jigi trasferit tigi ridotta, b'dana li tali ammont ma jistghax ikun anqas mil-bilanc ta' prezz rimanenti diviz man-numru ta' rimanenti appartamenti soggetti ghall-ipoteka specjali.

Formularju :

Valur necessarju minimu li jrid jithallas minn Fortina sabiex appartamenti/i jigu rilaxxati =

$$\left(\frac{\text{(Bilanc ta' Prezz)}}{\text{(Numru ta Appartamenti progettati fil-Propjeta Ipotekata)}} \right) \times \text{(numru ta' appartamenti li qeghdin jigu mitluba li jigu rilaxxati)} = [\text{valur li jrid jigi imhallas lill-Awtorita'}]$$

Kemm il darba l-valur offrut ikun anqas minn dan il-

minimu kif hawn fuq ghandhu jigi stabbilit, l-Awtorita' tal-Artijiet ma tirriduciex l-ipoteka specjali.

- 7) Illi fi kwalunkwe mument l-Awtorita' tal-Artijiet tiriserva d-dritt li tibghat Perit/I jew terzi persuni minnha imqabba sabiex jivverifikaw li x-xoghol propost fuq il-Propjeta Ipotekata qed jipprogressa u li n-numru ta appartamenti soggettati ghal tali Ipoteka Specjali ma gewx ridotti minhabba ragunijiet ta' tfassil jew pjanar arbitrarju minn naha ta' Fortina.
- 8) Illi fuq kull u kwalunkwe pagament maghmul Fortina izzomm id-dritt li titlob lil Awtorita' sabiex tidher, a spejjez ta' Fortina, quddiem Nutar Pubbliku halli tirriduci l-ipoteka specjali minnha hawn kostitwita a favur il-Gvern ta Malta in kawtela tal-bilanc ta prezz, wara li jkun sehh pagament akkont tal-istess bilanc ta prezz, u l-Awtorita' taccetta.
- 9) Illi filwaqt li Fortina jintrabtu li ma jissoggettawx l-Propjeta Ipotekata ghal aktar ipoteki u/jew ingombri sakemm il-bilanc ta' prezz jigi saldat, l-istess Fortina qeghda hawn :
 - a. tiddikjara li hi ha 'zzom pussess tal-Propjeta Ipotekata u ukoll ha tkompli tezegwixxi direttament jew *tramite* kuntratturi minnha approvati xogholijiet ta' bini u sussegwenti tlestija tal-Propjeta Ipotekata bhala parti mil-progett li qed jitwettaq fuq is-Sit.
 - b. Li necessarjament illum fuq il-Propjeta ma hemmx servitujiet kostitwiti ghaliex ghada ma hijiex soggettata ghal bini ta benefikati, pero tul it-terminu ta' hlas tal-bilanc tal- prezz, Fortina ha jezegwixxu xogholijiet ta bini u twettiq ta ameljoramenti u anki krejazzjoni ta servitujiet civici fuq il-Propjeta Ipotekata in linea mal-progett kontemplat in generali fuq is-Sit, b'dana li l-Awtorita' tal-Artijiet bl-ebda mod ma tista toggezzjoni ghal krejazzjoni *ipso facto* jew/u *ipso iure* ta' kull u kwalunkwe servitu attiv jew passiv, jew ta kwalunkwe natura necessarju sabiex Fortina ilestu u jikonkludu l-Propjeta Ipotekata skond il-permessi approvati fuq is-Sit minn zmien ghal zmien.

Il-Gvern ta Malta minhabba li l-Propjeta Ipotekata ghada sit ta kostruzzjoni qed jaccetta dawn ir-riservi maghmula minn Fortina.

Illi wara t-tnehhija u modifiki tad-drittijiet u obbligi kontemplati fuq dan il-Att, il-Gvern ta Malta jiggarantixxi a favur Fortina u Fortel li fuq is-Sit ma fadallu l-ebda jedd iehor salv ghal dawk hawn specifkament riservati.

Ghall-finijiet tal-att numru sbatax tas-sena elf disa' mija tlieta u disghin (17/93) jigi dikjarat li tali drittijiet u obbligi hawn romossi kienu gew kostitwiti in forza ta' tlett Atti tan-Nutar Vincent Miceli, nhar it-tnax ta' Gunju elf disa' mija u wiehed u disghin (12/6/1991) (INS 8828/1991), tal-hamsa u ghoxrin ta' Jannar elf disa mija u sitta u disghin (25/1/1996) (INS 1673/1996); u tal-hmistax ta' Frar tas-sena elfejn (15/2/2000) (INS 2151/2000). In kwantu ghal drittijiet ohra, dawn kienu gew originalment kostitwiti in forza ta' Att tan-Nutar Carmelo Farrugia tat-tlettax ta' Gunju elf disa' mija u wiehed u hamsin (13/6/1951) u filwaqt li kwalunkwe *military clearance rights*, dawn kienu *ex lege* ippervenew a favur il-Gvern ta Malta bl-adoperazzjoni tat-trattat numru mija u sitta u tletin (136) intitolat *Agreement between the Government of Malta and the Government of United Kingdom of Great Britain and Northern Ireland with respect to the use of military facilities in Malta* (27/3/1972).

Ghall-finijiet tal-att numru sbatax (17) u tal-att numru tmintax (18) tas-sena elf disa' mija tlieta u disghin (1993) jigi dikjarat mill-partijiet kontraenti wara li jiena Nutar hawn taht iffirmit fehmtom sewwa dwar l-importanza tal-veracita' ta' din id-dikjarazzjoni taghhom illi l-valur tal-propjeta' trasferita b'dan il-kuntratt kif kwotat hawn fuq huwa valur gust u reali u ghalhekk:

It-Taxxa fuq Dokumenti u Trasferimenti dovuta minn Fortina jammonta ghal hamsa fil-mija (5%) fuq l-Prezz ossia ghas-somma ta erba' mija u hames t'elef euro (€405,000), liema somma Fortina qeghda thallas prezenzjalment in toto lin-Nutar pubblikant sabiex ikun jista jirregistra dan il-Att.

L-ebda Taxxa ma hi dovuta mil-Gvern ta Malta.

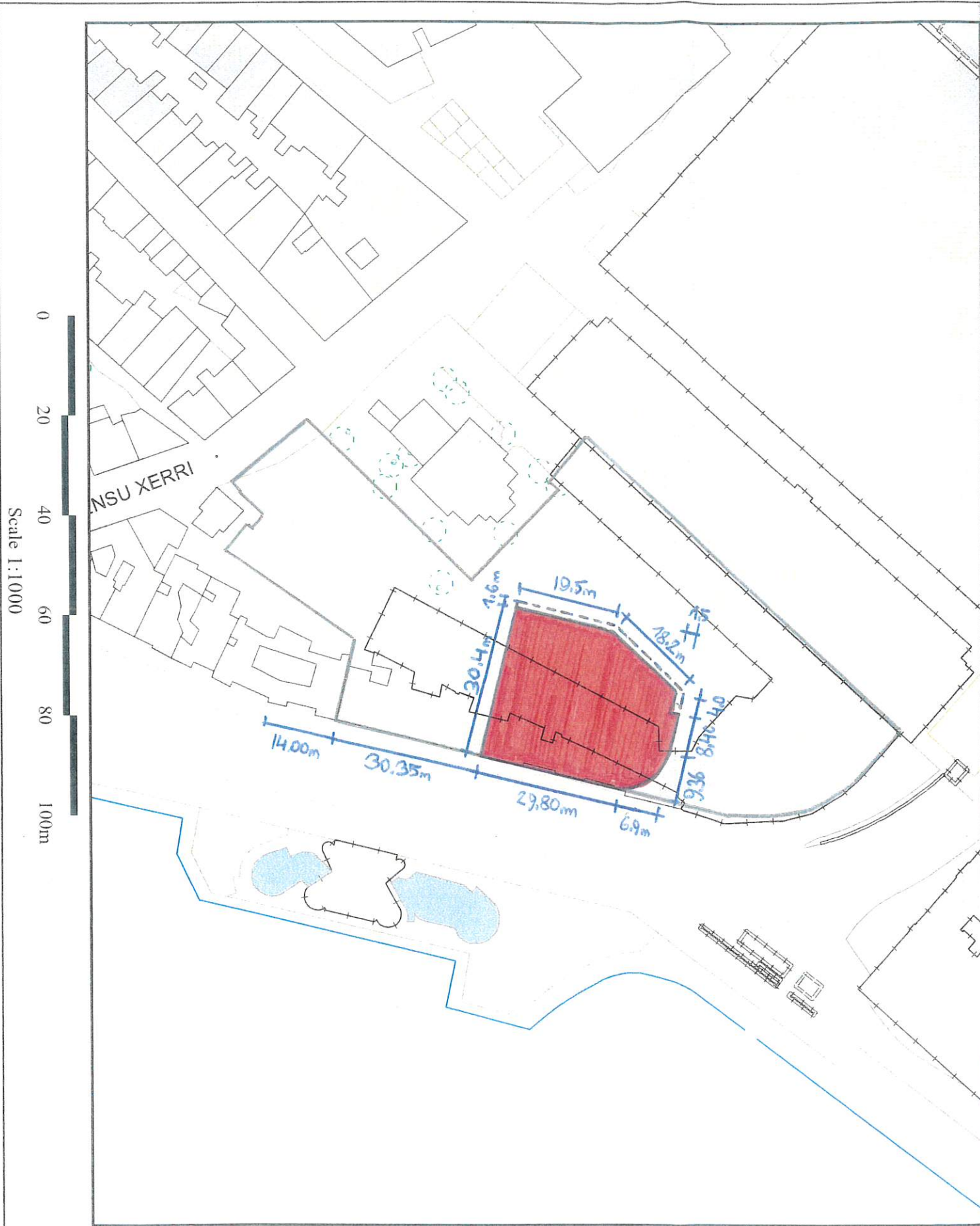
Ghall-finijiet tas-subartikolu tnax (12) tal-Artikolu hamsa ittra "A" (5A) tal-Kapitolu numru mija u tlieta u ghoxrin (123) tal-Ligijiet ta' Malta dwar it-Taxxa fuq il-Qliegh, il-partijiet jiddikjaraw, wara li jiena Nutara sottofirmata fehemthom sewwa bl-importanza ta' tali dikjarazzjoni skond il-ligi f'Malta, illi huma f'dana l-att iddikjaraw l-fatti kollha li jiddeterminaw jekk it-trasferiment hux wiehed li japplika

ghalih l-artikolu hamsa ittra "A" (5A) u l-fatti kollha li huma relevanti sabiex jigi kkalkulat il-valur tat-taxxa li trid tithallas jew xi ezenzjoni taghha, inkluz il-valur reali tal-proprjeta' li fi-opinjoni taghhom huwa l-valur kummercjali tal-istess proprjeta'; u inoltre l-partijiet jezentaw lin-Nutar sottofirmat minn kwalsiasi responsabbilta' dwar il-metodu u l-hlas tat-taxxi relattivi ma' dana l-att sia fuq l-att imsemmi kif ukoll wara.

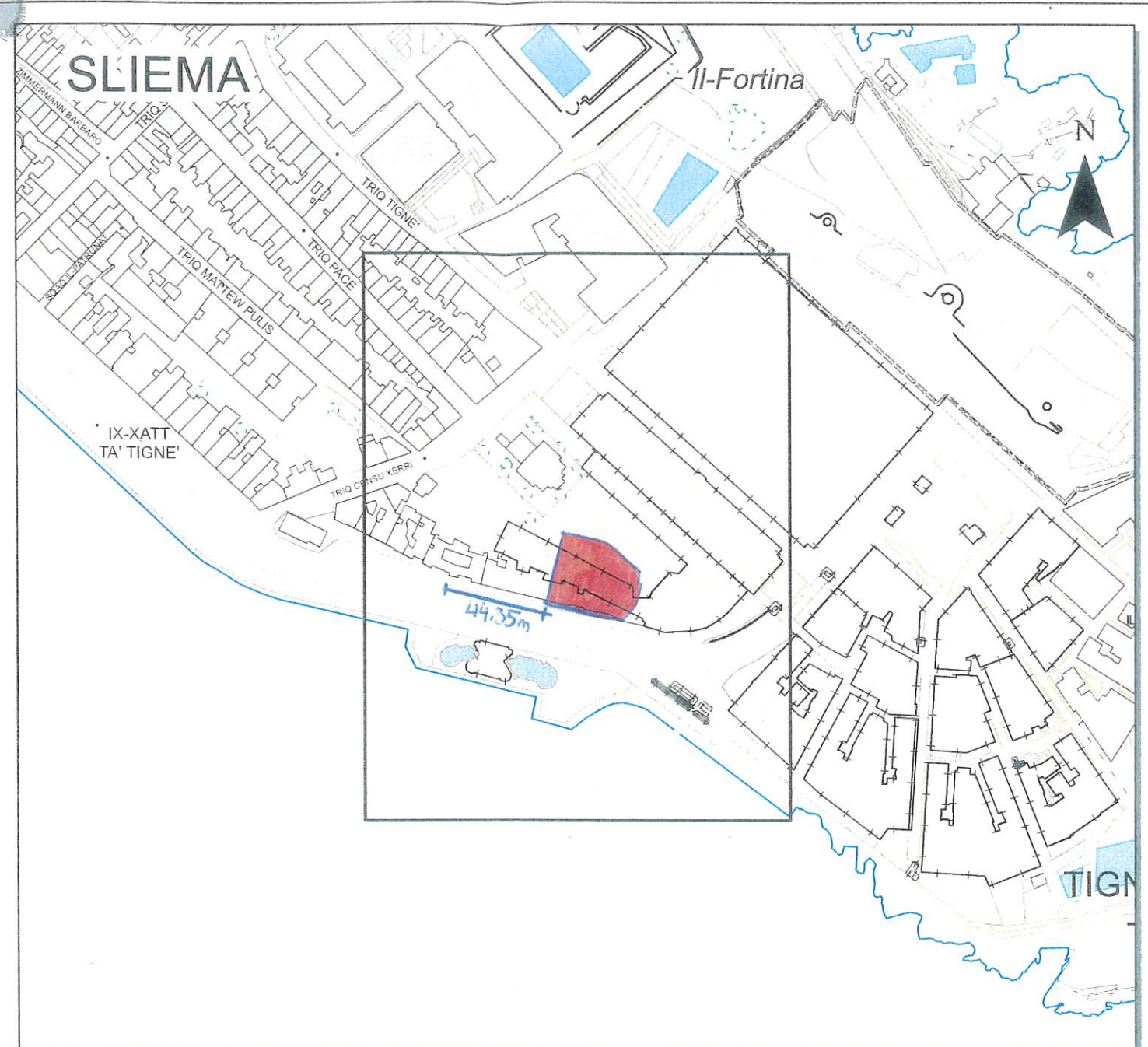
Ghall-finijiet u l-effetti kollha tal-ligi, jiena Nutar hawn that ifirmat niddikjara illi minn ricerka illi saret fir-registru ta l-artijiet fis-segwenti dati ossia

tas-sena korrenti, irrizulta illi a) il-Ministru ma kien ghamel l-ebda ordni ghar-registrazzjoni ta l-inhawi fejn tinstab il-proprjeta illi qedha tigi trasferita f'dana l-att, sabiex din tiffirma parti minn Compulsory Land Registration Area, skond l-Artikolu ghaxra (10) ta l-att illi jirregola r-registrazzjoni ta' l-artijiet u b) illi ma kien hemm l-ebda applikazzjoni ghar-registrazzjoni volontarja.

Dan l-att gie maghmul moqri u ppubblikat wara illi gie minni Nutar imfisser skond il-Ligi f'Malta gewwa



Scale 1:1000



Pjanta tas-Sit 1:2500 Site Plan

Gvern ta' Malta
Registru ta' l-Artijiet
 Casa Bolino, 116, Triq il-Pument, Valletta



Government of Malta
Land Registry
 Casa Bolino, 116, Triq il-Pument, Valletta

Nru tal-Mappa: Map Number:	128607 M	Pozizzjoni Ċentrali: Centre Coordinates:	x = 55812 y = 73950	Parti min S.S.: Extracted from S.S.:	5473	Data: Date:	27/06/2019
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Perit:
 Architect:
 Timbru tal-Perit:
 Architect Stamp:

DR. EDWIN MINTOFF
 B.E.&A. (Hons), Ph.D. (Newcastle) A.C.E. (Newcastle)
 Architect & Civil Engineer
 119 Sliema Road, Gzira
 Malta, GZR1635.
 t: +356 21237401
 m: +356 99498029
 e: em@edwinmintoff.com

PERIT

Qies (metri kwadri):
 Area (square metres):

993m²

Firma ta' l-Applikant:
 Applicant's Signature:

BALCONY PROJECTIONS.
 PLAN "B"

LR 116559

Dritt imhallas
 Fee Paid



LANDS Authority

17 ta' Gunju, 2019

Ministru tat-Trasport, Infrastruttura u Progetti Kapitali,

L-Onor Ian Borg LL.B., Dip. Not. Pub, LL.D., M.P.

Is-Segretarju Parlamentari Responsabbli ghall-Ippjanar u s-suq tal-Propjeta`

Onor Chris Agius M.P.

Gheziez Ministri,

Nirreferi ghall-ittra tas-sur Edward Zammit Tabona fuq letterhead tal-Fortina Developments datata 10.06.2019 annessa ma' dan ir-rapport immarkata bl-ittra A. Annessi ma' din l-ittra kien hemm Rapport ta' tlitt Periti tas-17 ta' Ottubru, 2017 li kienu l-Perit Denis Camilleri, il-Perit Mario Cassar, u l-Perit Claude Mallia. Din tinsab immarkata Dok B u kienet twassal ghal figura ta' €8,100,000. Hemm anness bhala Dokument C rapport tad-ditta Deloitte.

Fit-3 ta' April tal-2017 in-Nutar Mangion ghan-nom ta' Fortel Services Limited kien baghat ittra datata 3 ta' April, 2017 li tinsab fil-process tal-Lands 874/68/III/5 bhala Red 93 u pjanta annessa flimkien ma' Status report li jinsab bhala Red 93A. Dawn qedghin jigu mmarkati bhala Dok D u E rispettivament.

Address:
Auberge de Baviere,
St. Sebastian Street,
Valletta VLT 2000

Telephone:
+356 2122 4016/7

E-mail:
info.la@landsauthority.org.mt

www.landsauthority.org.mt

Fl-imsemmija data btas-17 ta' Ottubru, 2017 l-istess Periti kienu bazikament prezentaw l-istess stima ammontanti ghal €12,167,000 izda li amendaw l-istess stima bazikament minhabba dak li jirrizulta fl-ahhar paragrafu ta' pagina 6 u cio`:

“Lands Authority instructed that this residual valuation should include for the Tax payable according to the Duty on Documents and Transfers Act, as noted in Item 9, Table 3. This is usually not catered for in normal valuation methodology, as all investment proposals have their own tax regimes, together with the tax status of the purchaser being an unknown factor. As a further example if these units are not transferred but rented out instead, no such tax is levied.”

Fis-6 ta' Dicembru, 2018 Dr Mangion reggha kiteb (red 97 Dok F) u din l-ittra tinsab annessa.

Hemm ukoll il-permess tal-Planning bhala Red 97a u hawn immarkat bhala Dok G.

Fil-process jinsabu wkoll rapport Red 98 immarkat Dok H (resumee' ta' Dr Marisa Grech li jiddeskrivi dettaljatament x'inxtara minghand il-Gvern u minghand terzi u jsemmi l-kuntratti rilevanti. Fl-istess Dokument jinstab kuntratt ippublikat fil-25 ta' Jannar 1996 Dok I u iehor tat-12 ta' Gunju, 1991 Dok J.

F'Red 100 hemm l-Application Report Dok K u d-deliberazzjonijiet tal-Bord tal-Gvernaturi tat-8 ta' Frar, 2019 Dok L.

In segwitu tal-imsemmija ittra tal-10 ta' Gunju, 2019 il-Bord tal-Gvernaturi iltaqa fl-14 ta' Gunju u iddelibera hekk:

“LFS informa u nqrat ittra mibghuta minghand Mr. Zammit Tabona. Saret diskussjoni u AM irreleva illi kien hemm l-acctazzjoni ta' Fortina Developments ta l-istima originali li kienet saret minn tlett Periti mqabdba

mill-AA, u allura ghandu jigi notifikat il-Ministru ladarba l-process se jintemm permezz ta' Risoluzzjoni Parlamentari.

RC irreleva li l-accetazzjoni qed issir fuq it-tieni stima riveduta li saret mit-tlett Periti mqabba mill-AA bi program ta' hlas.

Jirrizulta illi r-rapport ta' Grant Thornton ghadu ma wasalx sa llum.

Ghalhekk ic-Chairman ghandu jibghat kopja ta' l-ittra u d-dokumenti annessi li rcieva din il-gimgha minghand Fortina Developments, izid ukoll l-ewwel stima tat-tlett Periti lill-Ministru.”

Fost il-kunsiderazzjonijiet issem mew li wiehed irid iqis li l-art hija landlocked u mhux seafront u li c-cens huwa mifdi.

Kif gie deciz mill-Bord is-sottoskritt qieghed jibghat dan l-inkartament lill-Onorevoli Ministru biex jevalwa jridx jipprezenta xi Risoluzzjoni Parlamentari.

Sliem

Imh Emeritus Lino Farrugia Sacco

Doc A

FORTINA

DEVELOPMENTS

10.06.2019

The Chairman
Lands Authority
Auberge De Baviere Valletta

The Hon Judge Lino Farrugia Sacco

Dear Sir,

I write to you with reference to your file bearing reference L874/68/III/5, which relates to our official request to purchase from the Government of Malta certain reserved rights which encumber a small part of the site formerly occupied by the Fortina Hotel and SPA in Tigne Sea Front and Triq Censu Xerri in Sliema, and this in order to be allowed to upgrade the entire site from a pure hotel purpose to a mixed use development. The relative permit over the site was issued as PA /06252/17 and which permit from a developability aspect represents the maximum developable area we can achieve today. At this point I write to you because after over 2 years from our initial request, we have as yet failed to conclude this transaction notwithstanding that all parameters were satisfied. In such respect:

We had effected a first submission towards the above purpose during the month of March 2017, On the 11th October 2017 three architects appointed by the Government had inspected the site and a report was issued and given to the Authority on the seventeenth day of October two thousand and seventeen (17/10/2017). We were given a copy of the said report, and the report held that in order to uphold our request we would need to pay Government the sum of eight million one hundred thousand euro (€8,100,000).

Following this, we had commissioned the audit firm 'Deloitte' to issue a confirmation report, however, from studies they made it transpired that the actual true and fair value of our requests was of two million seven hundred and twenty-one thousand five hundred and six euro (€2,721,506). On the basis of such report I had objected to the Lands Authority to revise the said price to reflect a more true and real value as per report submitted to the authority.

The company had already obtained all the necessary building permits, completed demolition and commenced construction of the underlying levels. In the meantime, the company has also entered into commercial obligations (promise of sale) with a third party for the acquisition of part of the site. In this promise of sale the company allowed for ample time (multiple months) in order not to put undue pressure on the lands authority for the release on certain reserved rights which encumber the site in favour of the Government of Malta. Needless to say apart from the fact that this third party is a local company with foreign ownership which plans to relocate part of its business to Malta, this transaction will also help us achieve project continuation through the injection of funds. The effects of this single transaction to the Maltese economy cannot be underestimated nor actually quantified but I am sure that numbers can be easily crunched, with positive effects on the financial services sector, the property sector, the tourism sector and in general to the wellbeing of the Maltese economy. Moreover, given that this third party is a global leader in the online betting business, now also delving into digital currencies, it will help crystallise and secure Malta's position in the world as a services-oriented country geared towards the future. As regards to our project, since we have been for the past year and a half effecting our projections on the conclusion of this promise of sale which hinged on the issue of permits (successfully concluded), and the removal of restrictions with Lands Authority, which is still pending, puts me in a position that I have to do something which I am not in favour of.

Thus in a bid to end this ongoing saga and the uncertainty it is creating to the detriment of the company's project and the direct overseas investment in Malta, whilst relying fully on the report submitted by

Deloitte as already held by the Authority, and without shedding any doubt on its correctness, I have to increase my payment obligation from the sum of €2,721,506 being the market price, to the full €8,100,000 and this in full and final settlement and in line with the original amount requested by the Lands Authority **this seemingly being the only way left for the company to successfully conclude these negotiations**. This increased offer is being however given with the reservation that the payment of the same be made in the same manner as such adopted already by the Authority and its predecessors and former administrations, wherein a lump sum is paid in the initial stages of the project and the remaining part of the price is divided along a number of residential units which are projected to be issued in terms of the said permit. For such purpose the company is proposing that:

- a) The lump sum of one million euro (€1,000,000) will be paid on signing of the contract for the removal of certain reserved rights over parts of the free hold property.
- b) The remaining sum of seven million one hundred thousand euro (€7,100,000) shall be paid within ten (10) years from contract or by part payments on sales of the prospective apartments which will be developed on the site partially effected by the removal of rights. The said remaining sum shall be divided by the number of proposed apartments in equal value and on the transfer of any one or more apartments the corresponding apportioned value due to the Government shall be paid. In warranty of the same the Government shall be reserved a special hypothec over each of the proposed apartments which shall secure its payment.

Given that the company now was politely forced to increase the purchase offer over the value quoted to them by Deloitte in order to be in line with the requested value by the lands authority, I think it is only equitable and fair that the above payment considerations are accepted by the lands department.

We are attaching the two reports mentioned above for ease of reference.

Sincerely,
Fortina Developments Ltd



Edward Zammit Tabona
Director & CEO

Encl: Report by Deloitte & Touche
Report by Lands Department appointed Architects

Ref:

Date: 17/10/2017

Client:



Location:

Site forming part of the Fortina Hotel, Sliema October 2017

Re:

Valuation of site.

An inspection was held on 11th October 2017 and I have to report as follows. Access was gained via the communal areas of this hotel complex.

A measured site survey was not undertaken, but areas are calculated by reference to identified boundaries of the property as noted in site plan as submitted in Appendix A, with reference to portion of land as highlighted in red and the appropriate PA map server facility. All property measurements are carried out in accordance with the code of measuring practice as issued in the Kamra tal-Periti Valuation Standards 2012.

This valuation report then refers to Act XVII of 2017 section 79/3 a - h namely:

(a) The date of the valuation; 12th October 2017

(b) The date with reference to which the property was valued; part site forming part of the Fortina Hotel, Sliema valued as at the 11th October 2017, date of inspection.

(c) The state which it is calculated that the property was in on the date with reference to which the property was valued; this site, was noted as forming part of a hotel complex constructed a good number of years ago. Improvements were noted as having been ongoing over the years but not in a holistic fashion. It appears this facility presently awaits an overall update.

(d) The use which was being made of the property on the date with reference to which it was valued, including information as to whether the property was at the said time subject to rights of third parties such as emphyteusis, use, usufruct or lease; as noted this portion of land forms part of a hotel complex. It was further noted that it was specifically granted by Government for the sole use of an operating hotel - note Appendix F for further contract details.

(e) The comparable transactions, if any, with reference to which the property was valued; the present land rates were adopted for hotel and residential uses.

(f) The restrictions from the scheming in accordance with the local plans and, or other pertinent reasons; This site falls within an area for Development of new hotels in Sliema governed by policy NJS15.

(h) The method which made them reach such valuation; based on the difference in values of the proposed use as outlined in present planning application PA/06252/17, which however has not presently been approved, and the existing hotel use.

(h) The Declaration of the periti and also other experts involved in the valuation, in accordance with the previous sub article, that they do not have any conflict of interest on the date of valuation; the undersigned confirms that no conflict of interest arises in advising you of the opinion of the value of the property, since the undersigned or his associates will not benefit from the valuation instruction, other than the valuation fee.

Title documentation and leases were not provided to us; however we have been informed that this is a freehold property – refer to Appendix F for further contract details. Unless notified to the contrary, we assume that each property has a good and marketable title and is free from any pending litigation. We further assume that all documentation is satisfactorily drawn and that unless disclosed to us, there are no unusual or onerous restrictions, easements, covenants or other outgoings, which would adversely affect the value of the relevant interest(s). We recommend that reliance should not be placed on our interpretation thereof without prior verification by your legal advisors.

The report will be of use to the Lands Authority and its professional advisers and is for the sole purpose stated above. Liability cannot be accepted if it is relied upon by anyone else, whether for the stated purpose or any other.

INTRODUCTION

This site with a rear frontage of circa 61.6m and an average depth of circa 10.36m measures circa 565m². It forms the rear part of the Fortina hotel as indicated in the highlighted red portion in Appendix A. The existing structure is currently overlooking the hotel pool deck taking in sea and Midi football ground views from the upper floors, as noted in Google Earth Appendix A together with photo Nos. 6-9 in Appendix C. Appendix D notes the present upper hotel rear rooms layout, with the area in question as highlighted in red.

This site forms part of a larger portion of land measuring circa 5,346.67m², on which an application is ongoing as below. This development as noted in PA/06252/17 below. This may be noted as in Appendix E below. It is further to be noted that this proposed residential development will outstand on the existing rear hotel construction, impinging on the present pool deck area.

PA CONSIDERATIONS

Currently there is an on-going planning application in the pipeline covering this site and is as follows

PA/06252/17 " Demolition of existing 4 star hotel and the Spa Wing of the 5 star hotel, and excavation of site. Construction of 3 levels of below ground car parking; construction of ground floor retail complex (mix of Class 4B and Class 4C) under a landscaped Public Open Space; and construction of residential complex rising to a maximum of 15 floors above street level. Development also to include complete refurbishment (including internal alterations) of the existing 5 star hotel, the construction of five

additional floors on the hotel tower and construction of stepped hotel block rising to 13 floors above the plaza, in place of the Spa Wing spaces)."

There is no further information as of the date of this report. However this is noting no case status on the PA website as of the date of this report.

This site falls within an area for Development of new hotels in Sliema governed by policy NHSJ15, This is noted in full in appendix B and goes on to say "This policy encourages additional hotel development within the areas identified for Hotel development. The areas identified for Hotel development consist of the Secondary Town Centres, the ex-Union Club redevelopment site and the Fort Cambridge Development Brief area as identified in Map SJ1. This policy therefore ensures that hotels development does not spread into the surrounding residential areas. The specified criteria will ensure that the permitted development is in line with the Malta Tourism Authority's policies, is in harmony with the surrounding area and will not result in significant adverse impacts."

With a current height limitation of 35.50m inclusive of a setback floor and a 1m parapet wall to hide services as required by law. This equates to a total of 11 residential floors, should residential units be constructed instead of the present hotel. However should the hotel use be retained 4.1 The Hotel Height Limitation Adjustment Policy (HHLAP) will only be applicable to Hotels in Qualifying Tourism Areas (QTAs). (As noted in full in appendix B). A recent PA policy on additional floors for retirement homes Quotes "When converting this increase in the number of floors to a height in metres, the equivalent overall height in metres stipulated in Annex 2 of Approved Document - the Development Control Design Policy, Guidance and Standards 2015 (DC15) shall apply. The number of levels within the resultant overall height in metres shall also be based on the provisions of the aforementioned DC15" if the same principal was to be applied in this case, an additional 11.4m would be added to the height limitation now it would appear that 3 additional floors maybe added. This is noted in Table 2.

EXISTING HOTEL REAR ROOMS + PROPOSED RESIDENTIAL AIRSPACE.

Further to the option noted in PA CONSIDERATIONS on the addition of possible additional floors, Table 1 below shows the number of existing hotel rooms, together with the additional rooms possible if this hotel additional floors policy were to be undertaken, thus giving an indication of the present value of the existing airspace.

Table 2 also notes the airspace area of the proposed apartment development, as located within the red portion outlined, together with the proposed elevation as noted in Appendix E.

VALUATION METHODOLOGY

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises based on operational performance of Business Trading Properties & the comparative method for hostel premises.

A rough rule of thumb to value a hotel bedroom is given at 1000 X it's RevPAR value.

The RevPAR value of the existing hotel over the past 3 / 4 year period has been quoted at:

TABLE 1 – REVPAR VALUE as quoted by Fortina & MHRA

YEAR	2017	2016	2015	2014
RevPAR	98.75 €	85.23 €	82.78 €	74.02€
MHRA		82.30€	82.00€	78.82€

The Fortina's 2017 RevPAR value is only for part of the year from January to September. Thus comparing with MHRA data the RevPAR for 2017 is estimated at €90/night.

Thus value of this hotel is estimated at: €90/bed night X 1000 = €90,000/bedroom.

Recent up-market Malta hotel sales noted at:

Le Meridien Phoenicia 136 rooms 5-star Valletta: 2007 20M euro €147,059/room
Coastline Salini 207 rooms 4- star Salini 2014 14M euro € 67,633/room

Thus this comparative notes the estimated value for this hotel room at €90,000/room to be reasonable.

International standards quote that for a development to be feasible its land value is not to exceed 15% - 20% of its market value. It is then quoted that in countries with low labour costs this % may be higher, which in the case of Malta is taken at 25%.

Thus total land value for this existing + proposed hotel development is estimated at:
25% of 156 bedroom units @ €90,000/bedroom = €3,510,000.

AIR SPACE OF EXISTING HOTEL USE VALUE

TABLE No.1 notes this hotel with its existing bedrooms together with additional floors that may be added on due to the PA additional hotel floor policy to have a total capacity of 156 rooms. This will be undertaken on a new additional floor area of 8,977m², mainly 60m² per room.

Development Costs per room works out at:

60m² @ €800/m² = €48,000

For a room value of €90,000, then air-space value is estimated at €22,500/room.

Air-space Value of hotel rooms 156 rooms X €22,500/room = €2,902,500

This airspace value is to be compared with above value as estimated at €3,510,000.

Land value for hotel use is thus estimated at €3,500,000.

TABLE 2: EXISTING/PROPOSED HOTEL AREAS			
STATUS	LEVEL	AREA m²	ROOMS
EXISTING	-1	565	
	0	565	5
	1	565	10
	2	565	10
	3	565	10
	4	565	10
	5	565	10
	6	565	10
	7	565	10
PROPOSED as per PA/06252/17	8	565	10
	9	565	10
	10	521	9
	11	386	8
	12	364	7
	14	232	4
ADDITIONAL FLOORS as per hotel policy	15	129	3
		565	10
		565	10
TOTAL		8977	156

AIR SPACE OF PROPOSED APARTMENT USE VALUE

The airspace being valued is an intermediate airspace which traverses the middle of the proposed apartments, as noted highlighted in red in Appendix A.

A well-known rule of thumb for plot areas divides the front, intermediate & rear portions on a cost basis in the proportion of 4:3:2. Now noting that this is a seafront plot taking in the Valletta views this proportioning is being increased to 8:3:2. This change of ratio for the front seafront portion is being substantiated by noting the market rates for finished apartments on the seafront and internal apartments taking in no sea views, within the same development in the immediate vicinity.

Now considering that these Tigne seafront apartments on the Nazzareno side facing Valletta go for €6,500/m², the airspace value as per table No. 3 is estimated at €2,500/m².

TABLE 3: RESIDUAL METHOD TO OBTAIN AIRSPACE VALUE.						
Market Value of completed units at today's date	Unit	Qty	Rate	€	Estimated value in €	Asking price in €
1) Sistema Tigra Nazareno soafront - adjoining MICI.						6,500.00
Development Costs						
	Unit	Qty	Rate	€	€	€
1) Demolition of existing + Construction & Finishing Costs	sqm	1	775.00		775.00	
2) Professional fees @ 8%					62.00	
					837.00	
3) VAT @ 18%					150.62	
4) MEPA Levy	sqm	1.00	5.66		5.66	
5) Total Construction & Finishing Costs					993.32	
					993.32	
6) Interest costs @5.75% for Dev Costs for ½ the dev period taken at 30 months					71.39	
7) Estate Agent fees taken @ 5% of Market Value					325.00	
8) Developers' profit taken at 22.5 % of Market Value					1462.50	
9) Less duty on documents & transfers at 8%					520.00	
10) TOTAL DEVELOPMENT COSTS						3372.21
11) Residual value for land value considered in 30 months time						3127.79
12) Vacant Land Value today considering PV for 30 months development period + 6 months selling period @ 5.75%						2644.82

AIRSPACE VALUE less purchasing costs - €/sqm.

2500

Noting the airspace value of the plot at €2,500/m², the value of the 3 portions of this airspace, noting the above ratios at 8:3:2 is estimated at:

$$\begin{aligned} \text{Front- portion } (8 \times €2,500/\text{m}^2) \times 3 \text{ portions}/13 &= €4,615/\text{m}^2. \\ \text{Mid - portion } (3 \times €2,500/\text{m}^2) \times 3 \text{ portions}/13 &= €1,730/\text{m}^2. \\ \text{End - portion } (2 \times €2,500/\text{m}^2) \times 3 \text{ portions}/13 &= €1,155/\text{m}^2. \end{aligned}$$

Lands Authority instructed that this residual valuation should include for the tax payable according to the Duty on Documents & Transfers Act, as noted in item 9, table 3. This is usually not catered for in normal valuation methodology, as all investment proposals have their own tax regimes, together with the tax status of the purchaser being an unknown factor. As a further example if these units are not transferred but rented out instead, no such tax is levied.

**TABLE 4: PROPOSED
INTERNAL
DEVELOPMENT AREAS
AT THE VARIOUS LEVELS
(PA/06252/17)**

LEVEL	GROSS AREA m ²	NET AREA m ²
-3	565	
-2	565	
-1	565	
0	565	517
1	565	517
2	565	517
3	565	517
4	565	517
5	565	517
6	565	517
7	565	517
8	565	517
9	565	517
10	521	480
11	386	365
12	364	343
14	232	228
15	129	125
	8977	6710

As the internal proposed apartment airspace values at the various levels as per table 4 is noted at a net airspace area of 6,710m², the airspace value for this internal portion of airspace at €1,730/m², as highlighted in red in Appendix A is estimated at:

$$6,710\text{m}^2 @ \text{€}1,730/\text{m}^2 = \text{€}11,600,000$$

CONCLUSIONS & RECOMMENDATIONS

The present market value of land as outlined in red in Appendix A on a freehold basis is estimated at €11,600,000 for the proposed apartment value, whilst the existing hotel land value together with potential to presently add further floors, together with the additional 2-floor hotel policy is estimated at €3,500,000.

Thus to the value to effect a change of land use from the permitted land hotel use to a proposed apartment land use is the difference between the above 2 values mainly: €8,100,000.



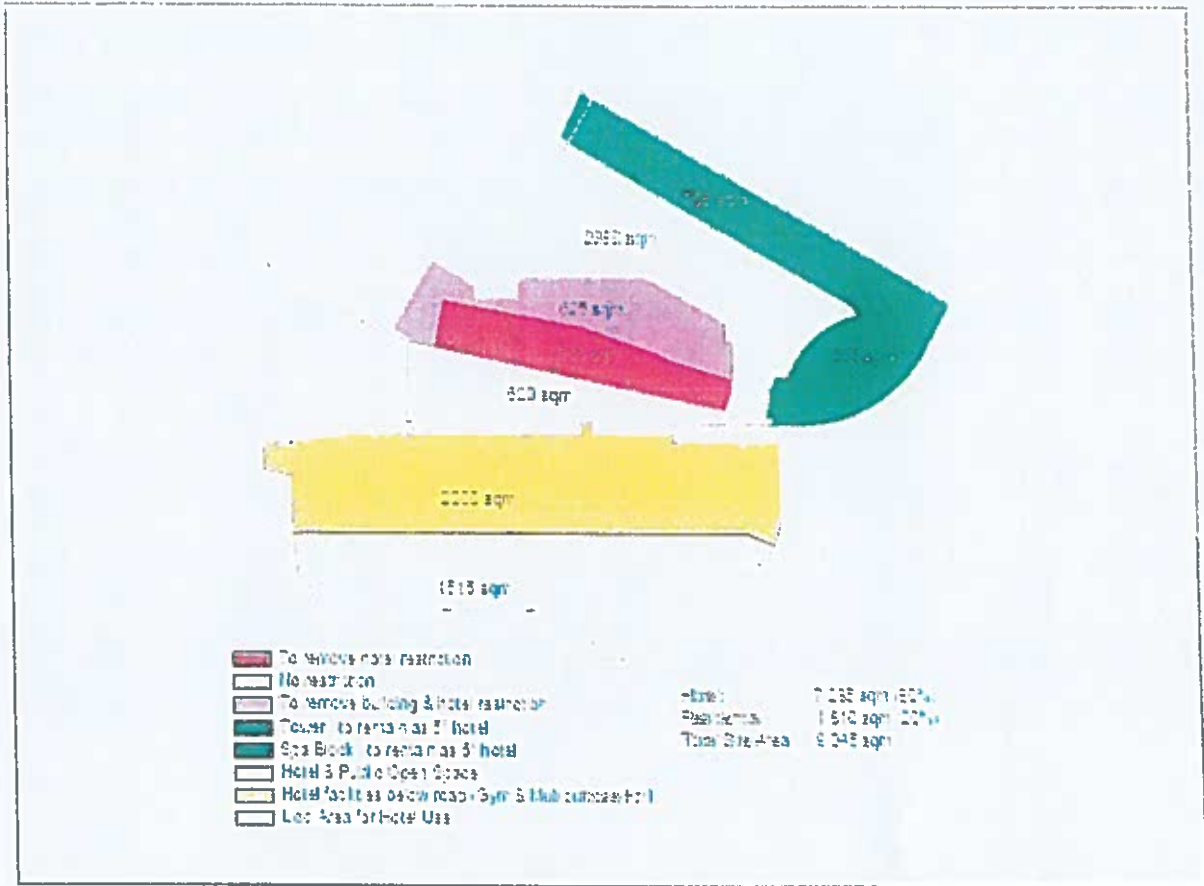
Perit Denis Camilleri
Warrant No.: 114



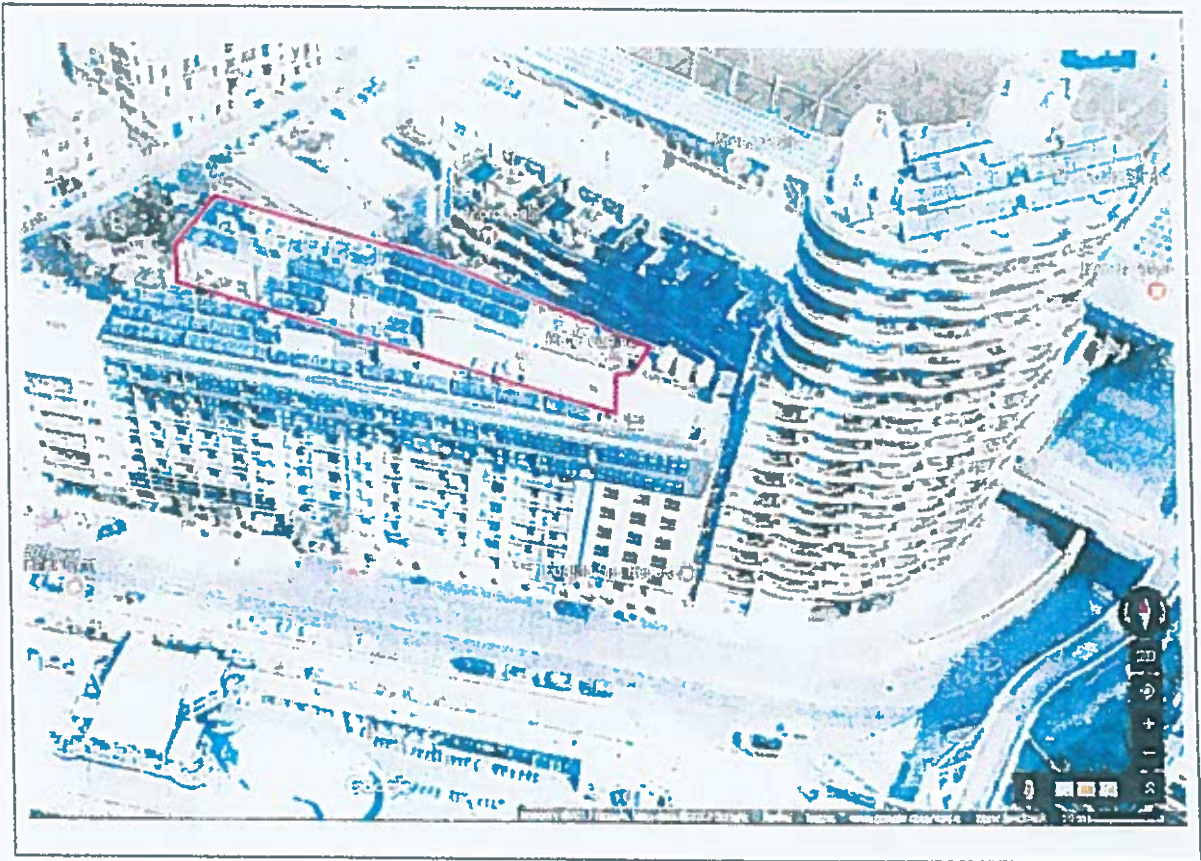
Perit Mario Cassar
Warrant No.: 157



Perit Claude Mallia
Warrant No.: 370

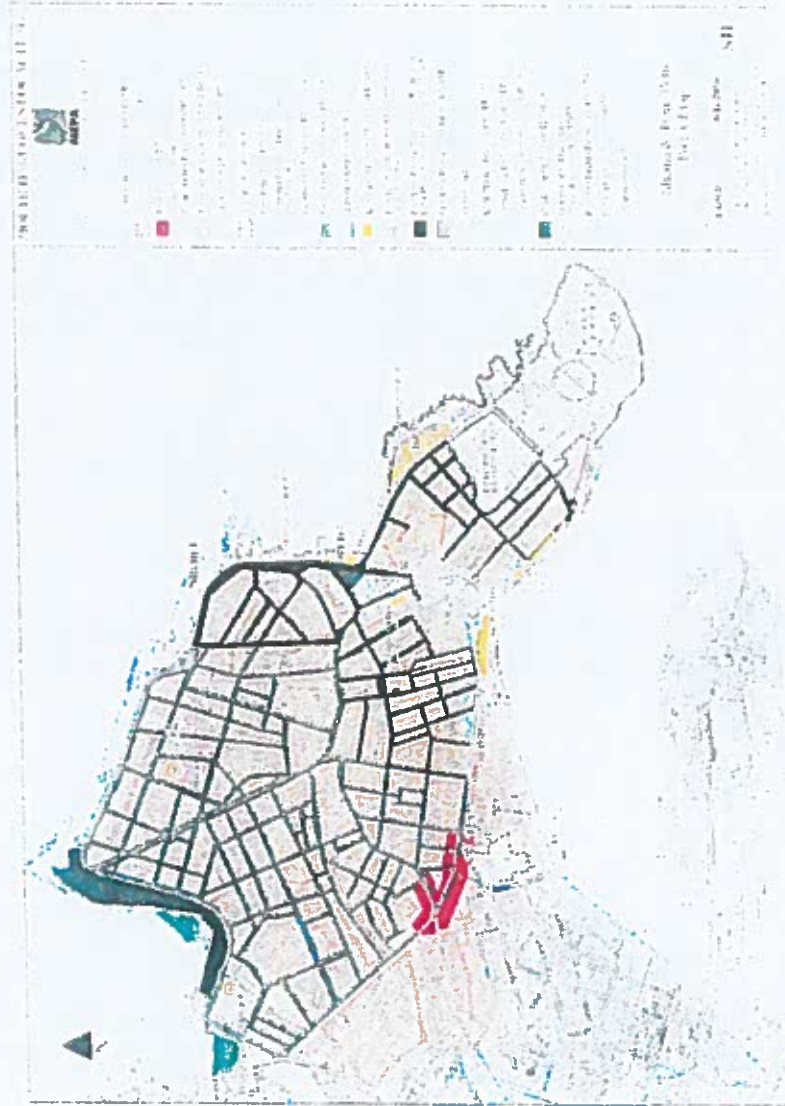


Site plan: note area as highlighted in red to be valued.



Aerial photo 2: this is an over view of the site as at present – Note highlighted area in red

NHSJ15 Development of New Hotels in Sliema



MAP SJ3

NHSJ15 Development of New Hotels in Sliema

Applications for the development of new hotel projects within the areas identified for Hotel development in Map SJ1 will be considered favourably provided the following criteria are met:

- i. The prior approval of the Malta Tourism Authority is obtained;
- ii. The proposed development is not likely to create significant adverse impacts on the local amenity;
- iii. The scale of the proposed development is consistent with the building height limitation and the character of the area;
- iv. High quality design in terms of height, volume, layout, elevations, materials, finishes and landscaping is achieved;
- v. The proposal will not compromise existing and future proposals for traffic management in the area as established in Policies NHSJ01 and NHSJ05;
- vi. Development proposals are to comply with established standards for access, on-site parking provision, coach parking facilities and alighting points. In those cases where on-site parking provision is not desirable, the developer will be required to pay the appropriate level of contribution to the CPPS applicable to the relevant area; and
- vii. The proposal is in conformity with all relevant Policies in this Local Plan.

17.4.34

This policy encourages additional hotel development within the areas identified for Hotel development. The areas identified for Hotel development consist of the Secondary Town Centres, the ex-Union Club redevelopment site and the Fort Cambridge Development Brief area as identified in Map SJ1. This policy therefore ensures that hotels development does not spread into the surrounding residential areas. The specified criteria will ensure that the permitted development is in line with the Malta Tourism Authority's policies, is in harmony with the surrounding area and will not result in significant adverse impacts.

4.1 The Hotel Height Limitation Adjustment Policy (HHLAP) will only be applicable to Hotels in Qualifying Tourism Areas (QTAs).

4.2 Where HHLAP is employed, the following should ALL be observed:

- a) The resulting design and architectural treatment must result in a proposal which valorises and enhances the nearby urban fabric whilst the creation of blank party walls should be avoided. In instances where the latter cannot be avoided, specific attention needs to be given to the treatment of such walls through the application of creative design solutions; and
- b) In general, onsite parking should be provided according to the prevailing parking requirements. In cases where these requirements cannot be reasonably met other transport related compensatory measures agreed with MEPA and Transport Malta may be considered; and
- c) The overall built mass should not exceed the maximum height limitation indicated in the approved Local Plans including any subsidiary concessions by more than 2 floors; and
- d) HHLAP should only be applicable to cases where prior consent from the Malta Tourism Authority is submitted; and
- e) The policy should not be applicable to purely residential or other non-hotel development; and
- f) Rights acquired through this policy are only applicable to hotel development as defined in Chapter 409 of the Laws of Malta and in any equivalent revisions. Any subsequent proposals for change of use, even partial will not be positively considered unless any additional floors acquired through this policy are first removed. In cases of demolition and reconstruction rights will only be forfeited should the proposed use be other than that of a hotel. This can be achieved through requiring the proponent to sign a tri-partite legal agreement between MEPA, MTA and the proponent as explained in Section 3.8.



Photo 1: Note existing seafront façade – 8 stories high, note an existing additional floor as recessed from façade.



Photo 2: another view view of existing 8-storey high hotel abutting against Fortina Tower.

APPENDIX C

PHOTOGRAPHS

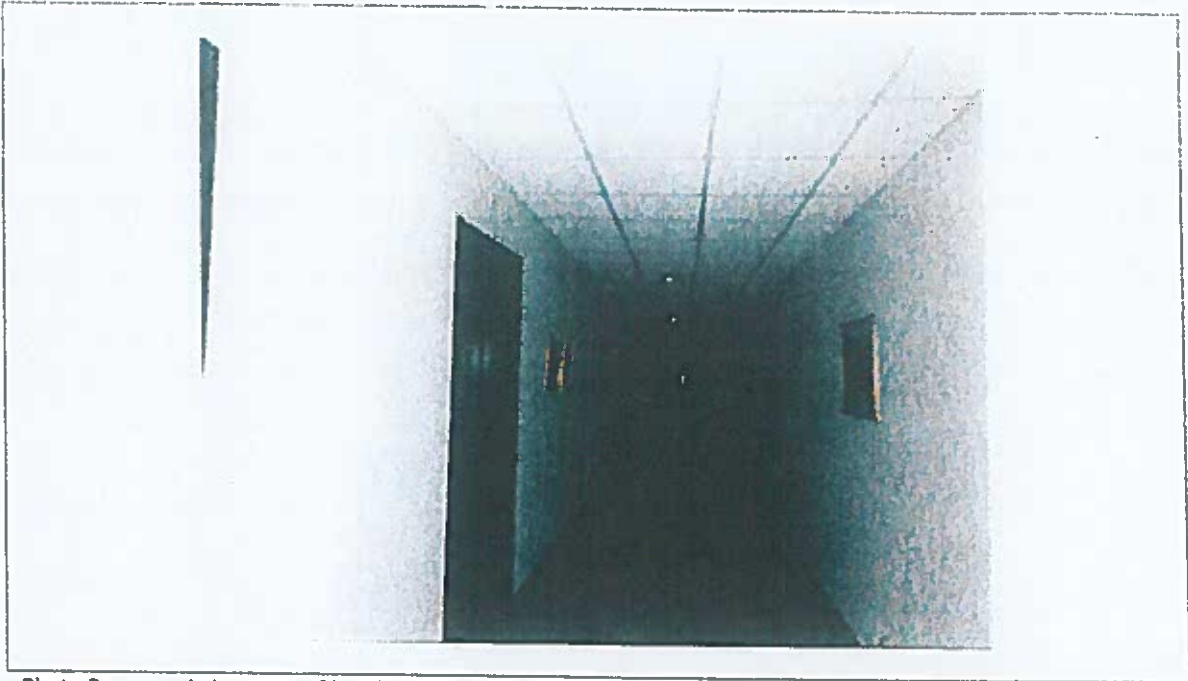


Photo 3: note existing state of hotel corridor with abutting doors to rear guest rooms.



Photo 4: note existing state of slightly upgraded hotel corridor with abutting doors to rear guest rooms.

APPENDIX C

PHOTOGRAPHS



Photo 5: view of the rear rooms overlooking the lagoon pool area.



Photo 6: seaviews presently available for the upper rear rooms.

APPENDIX C

PHOTOGRAPHS



Photo 7: back 8 storey façade of the rear rooms – note pool deck situated at 1st floor of pool complex.

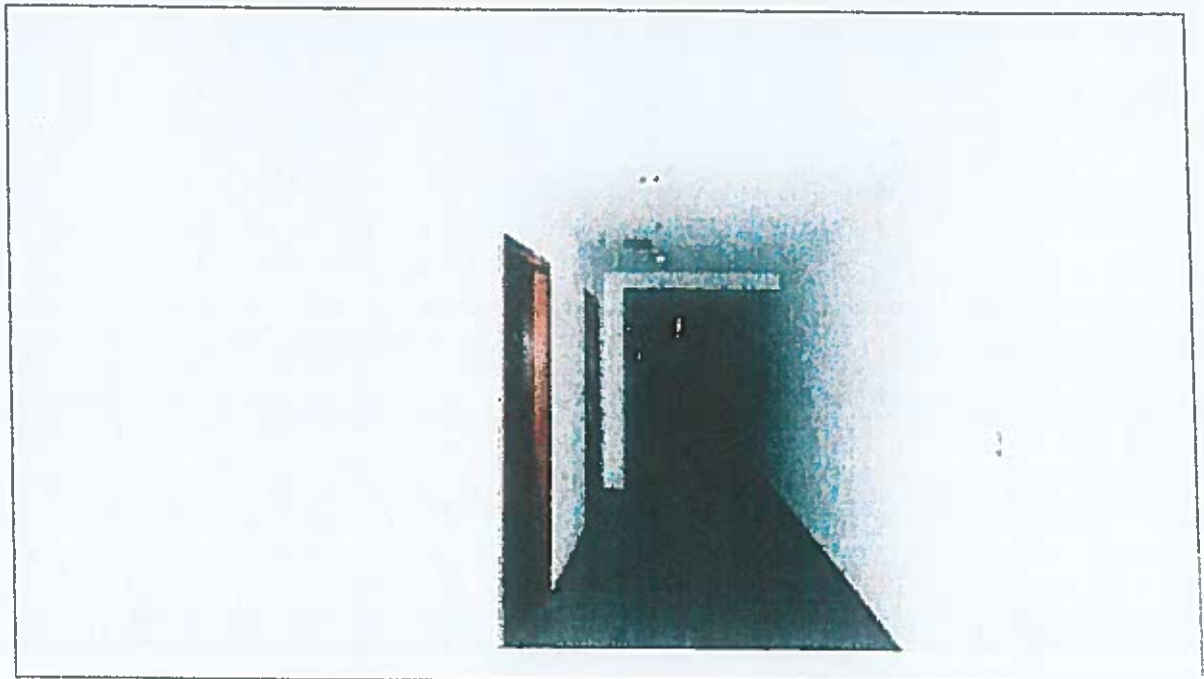
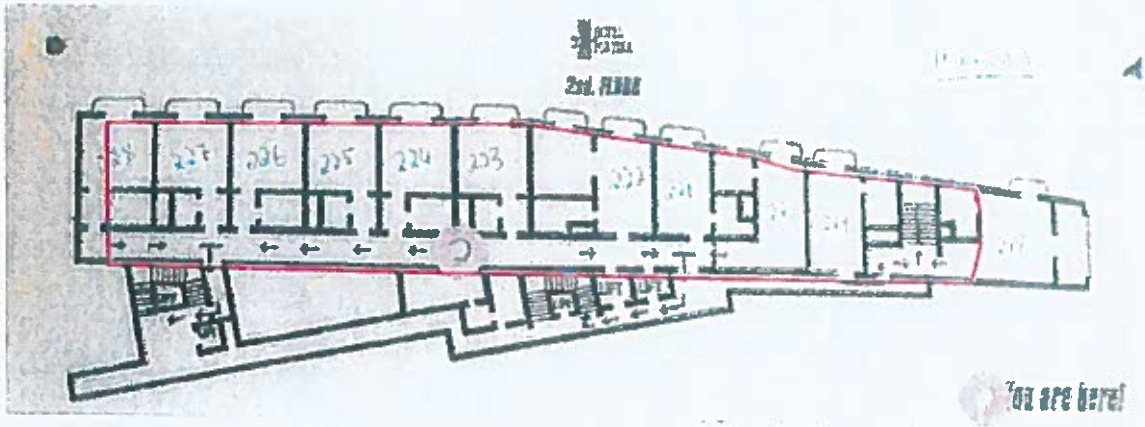


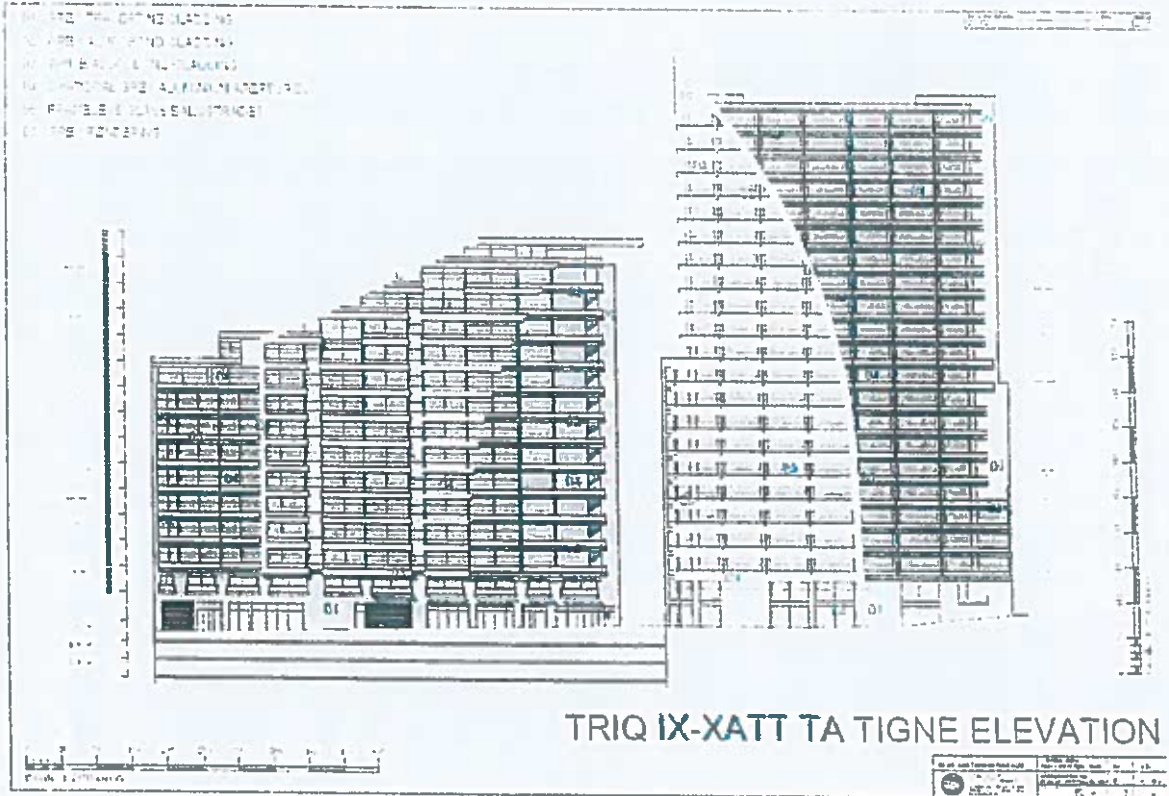
Photo 8: note existing state of hotel corridor with abutting doors to rear guest rooms.

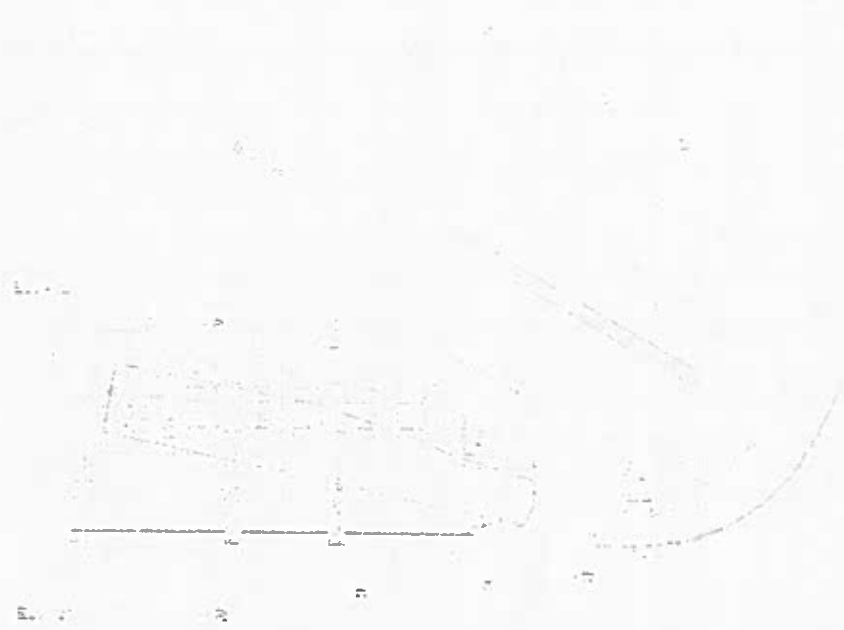
APPENDIX D

EXISTING HOTEL LAYOUT REAR DRAWINGS



Existing plan. Site to be valued marked in red (note area forming part of the internal part of the Hotel, overlooking the existing pool deck area.

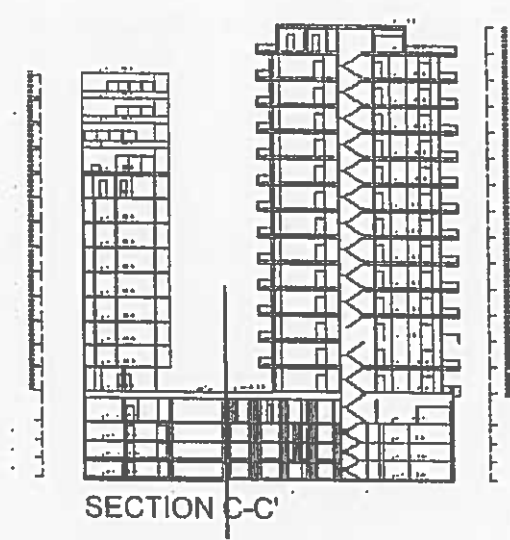




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LEVEL 02

Proposed plan as per PA/06252/17. Site to be valued marked in red (note area to form the internal part of the residential block, impinging on part of the existing pool deck area)



SECTION C-C'



	City of Johannesburg Department of Infrastructure Engineering	Project No. 123456 Drawing No. EC-1	Date: 15/10/2023 Scale: 1:100
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Proposed Section C- C 14 storey height proposal + 4 u/lying parking levels.

The Directors
Fortina Investments Limited
Fortina Spa Resort,
Tigne Seafront,
Sliema,
SLM 3012

Dear Sirs

Formal feedback by the owners of the Fortina Hotel Development to the Valuation Report dated 17th October 2017 prepared by Perit Denis Camilleri, Perit Mario Cassar and Perit Claude Mallia

I refer to the attached document dated 4th February 2019, which was prepared to assist the process of determining the compensation, which should be equitably paid to Government in respect of the lifting of specific development / use restrictions attached to a portion of the site owned by your Group in Sliema.

We hereby confirm that the contents of your response correctly reflect the following key conclusions reached by us after having undertaken our review:

1. The valuation relates to freehold property already owned by your Group;
2. In addition to the 'Red Site' (625 sqm), the valuation report should also include the 'Purple Site' (565 sqm);
3. The 2 sites in question account for only 22% of a significantly larger plot of land owned by the Group in the same location;
4. The 2 sites in question are both internal tracts of land which do not enjoy either sea and or Valletta views;
5. As corroborated by the workings in paragraph 3.2 to your response, the adjustment mechanism applied by the above mentioned Periti to take into account the undisputed fact that the parcels of land in question are not sea-front sites may have been incorrectly applied and have given rise to an overstatement of the attributed land value; and
6. Notwithstanding the fact that at valuation date, the sites in question housed part of your fully owned, developed and Operational Fortina Hotel, the valuers only attributed a value to the 'airspace' and attributed no value to the hotel rooms, amenities, restaurants and Spa located on the sites in question.

We believe that, on the basis of the workings detailed in the attached response, the revised fair value adjustment being proposed of Euro2,721,506 would appear to fairly reflect the difference between the 'in use' value of the site (inclusive of all amenities) at the valuation date and the value of the site without the alternative use restrictions.

Yours faithfully

Raphael Aloisio

FORTINA

Formal feedback by the Owners of the Fortina Hotel Development ('the Owners') to the Valuation Report dated 17th October 2017 ('the valuation report') prepared by Perit Denis Camilleri, Perit Mario Cassar and Perit Claude Mallia ('valuers') in respect of a portion of the owners freehold property located in Sliema

1. Introduction and Background Information

The valuation report ('the report') was prepared to assist the process of determining an equitable compensation to be paid by the Owners to Government in consideration for the lifting of certain existing development restrictions attached to a portion of the site when acquired from Government a number of years ago.

The valuation exercise should have covered two 'non-seafront' parcels of land forming part of a much larger 5,345 square meter site comprising the existing Fortina Hotel Site. The first site is a 565 square meter internal intermediary parcel of land referred to as the 'Red Site' whilst the second site is a 625 square meter internal intermediary parcel of land referred to as the 'Purple Site'.

Although the Owners hold freehold title to both sites, the deeds of acquisition had prescribed that the development of the sites in question should be limited to that of a hotel development and that the development on the 'Purple Site' would also be restricted to pre-established height levels.

The valuation report does not appear to include the 'Purple Site'.

The valuation report attributed a value of Euro11,600,000 to the 'Red Site' if it were to be developed as apartments and attributed a value of Euro3,500,00 to the 'hotel use' airspace value.

On the basis of the above, the report concluded that the value adjustment required for the lifting of the restrictions should be Euro8,100,000

2. Key Points of Divergence

The Owners disagree with the following aspects and conclusions of the valuation report:

- 2.1 The valuation report refers to 'leases'. This assumption is incorrect as the Owners enjoy freehold title of the entire site and Government has no ownership rights whatsoever in respect of the property in question.
- 2.2 The report attributes a value of Euro11,600,000 to an internal land locked parcel of land measuring 565sqm. The resultant value of Euro20.53 million per 1,000 sqm for an internal development is clearly inflated and non-reflective of prevailing market prices for comparable properties.
- 2.3 Although the report does refer to the fact that the site in question forms part of a much larger site owned by the same owners, it fails to give due weight to the fact that the site in question is actually 'land locked' and is only accessible by the owner of the Fortina Hotel Development.
- 2.4 Although the valuers do mention that the air-space being valued is an 'intermediate' airspace' and that the sites in question are not 'sea-front', the '8:3:2 adjustment factor'

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would appear to have been incorrectly applied. The illustrative workings included in Section 3 of this response confirm that if the adjustment had been applied in a manner which simply excluded the premium value of the seafront portion of the site, the resultant value would have been directly comparable to the value resulting from the application of the same valuation methodology used by the valuers for a 'non-sea front' development selling at Euro3,400 per sqm (without any further judgmental adjustments).

- 2.5 When calculating the airspace value of the land in question the architects have assumed:
- 2.5.1 development cost of Euro993.32 per sqm, which are clearly below the comparable costs being incurred for similar up-market residential developments;
 - 2.5.2 Estate Agents fees of 5% instead of the VAT inclusive rate of 5.9%; and
 - 2.5.3 Interest costs have only been taken on development costs instead of the total cost including land value.
- 2.6 The attributed 'hotel use value' of Euro3.5 million is incorrect as it only reflects 'air space value' and fails to attribute any value to the actual hotel rooms and other facilities existing on the sites at the date of the valuation. This clearly does not reflect the full fair value of the income-generating asset existing on the freehold site.
- 2.7 The valuation should have attributed the full value of Euro90,000 per room to the existing 81 hotel rooms plus an additional Euro22,500 for each of the additional 75 rooms that could be developed on the 'Red' site.
- 2.8 The valuation report was undertaken in respect of the 'Red Site' only, when it should have also included the 'Purple Site' measuring 625 square meters.

3. Adjustment 1 – Appropriate Residential Development Land Value

- 3.1 If one were to correctly apportion the computed airspace value of Euro2,500 per sqm for a 'sea front' development in accordance with the '8:3:2' basis quoted in the report, the value which should have been attributed to the 'mid' and 'end' portions of the land would have been Euro961.54 per sqm and not Euro1,730 per sqm. This value is computed by dividing the total value of Euro2,500 by 13 (representing total site portions) and then multiplying by 5 (representing the mid and end portions).
- 3.2 Even without making any adjustment for the points raised in Paragraph 2.5 above, the workings shown hereunder corroborate the conclusion reached in Paragraph 3.1 above. The workings use the same methodology and comparable assumptions used by the architects for a non-seafront development of similar scale. These workings indicate a value of Euro954.08 per sqm compared to Euro961.54 per sqm computed in Paragraph 3.1 above.

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	As Per Valuation Report	As Per Valuation Report Adjusted to correctly apply 8:3:2 Per sqm	Valuation of non-Seafront development Per Sqm
Selling price per sqm	5,500.00	5,500.00	3,400.00
Construction & Finishing costs	- 775.00	- 775.00	- 775.00
Professional fees	8.00% - 62.00	8.00% - 62.00	8.00% - 62.00
	- 837.00	- 837.00	- 837.00
VAT	18.00% - 150.66	18.00% - 150.66	18.00% - 150.66
MEPA Levy	- 5.66	- 5.66	- 5.66
	- 993.32	- 993.32	- 993.32
Interest costs	5.75% - 71.39	5.75% - 71.39	5.75% - 71.39
Estate agents fees	5.00% - 325.00	5.00% - 325.00	5.00% - 170.00
Capital Gains Tax	8.00% - 520.00	8.00% - 520.00	8.00% - 272.00
Developers profit as a percentage of selling price	22.50% - 1,452.50	22.50% - 1,452.50	22.50% - 755.00
Total Development costs	- 3,372.21	- 3,372.21	- 2,271.71
Residual land value in 30 months time	3,127.79	3,127.79	1,123.29
Net Present Value per sqm	84.56% 2,644.86	84.56% 2,644.86	84.56% 954.08
Net Present Value per sqm - Rounded	2,500.00	2,500.00	954.08
Net Present Value per sqm - Adjusted to reflect intermediate location (Euro2,500 / 13 X 5)	69.2% 1,730.77	38.5% 961.54	100.0% 954.08
Net Present Value per sqm - Adjusted to reflect intermediate location - Rounded	1,730.00	961.54 F5	954.08
Total Net present value of site	6,710 11,603,300	6,710 6,451,923 F5	6,710 6,401,853

3.3 In order to incorporate the correct Residential Use Land Value of the 'Red Site' the value attributed by the architects would need to be reduced by Euro5,148,077 from Euro11,600,000 to Euro6,451,923.

4. Adjustment 2 – Value of Existing Hotel Rooms increased from airspace value of Euro22,500 each to stated value of Euro90,000 per existing hotel room.

4.1 Given that the architects only attributed the 'air-space' value of Euro22,500 to each of the 81 hotel rooms existing at the date of the valuation report instead of the stated hotel room value of Euro90,000 per room, a further adjustment of Euro5,467,500 (81 x (90,000-22,500)) is required to account for the value of a fully operational hotel room.

5. Adjustment 3 – Adjustment for Inclusion of Purple Site

5.1 Given that the owners are also requesting the lifting of restrictive conditions on the 'Purple Site', a further fair value adjustment (not included in the valuation report) is required. The proposed adjustment has been computed by attributing a proportionate value to the 625 sqm 'Purple site' as was attributed to the 565sqm 'Red Site'. For the purpose of these workings a gross value of Euro11,419,333 per 1,000 sqm was attributed to the 'Red Site' (Euro6,451,923 / 565sqm). Using this same value, a gross value adjustment of Euro7,137,083 would be attributed to the purple site (Euro11,419,333 x 625 / 1,000)

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- 5.2 At the date the valuation report was prepared, in addition to the hotel facilities and extensive common areas, the 'Purple Site' housed significant income generating restaurants, bars and SPA facilities which catered for all the Fortina hotel guests and a significant number of walk in guests. In this regard it is important to emphasise that the site catered for way beyond the guests occupying the 81 rooms located on the 'Red Site'
- 5.3 Given that the 'Purple' Site is also encumbered with development height restrictions the owners are conservatively attaching a value of Euro1.9 million to the amenities existing on the 'Purple Site'. This value works out at approximately 21% of the hotel use value attributed to the 'Red Site'.

6. Conclusion

On the basis of the above workings, the owners believe that the correct fair value adjustment should be Euro2,721,506 as follows:

Value adjustment being proposed by architects	Euro 8,100,000
Adjustment 1 - Value of intermediate site developable airspace of 6,710 sqm being reduced from Euro1,728.76 per sqm (Euro11,600,000 divided by 6,710 sqm) to Euro961.54 per sqm	(5,148,077)
Adjustment 2 - Value of 81 hotel rooms increased from Euro22.5k to Euro90k	(5,467,500)
Adjustment 3 - Developable value of 'Purple' site	7,137,083
Adjustment 3 - Potential hotel air space value of 'Purple' site (discounted by 50%)	(1,900,000)
Revised fair value adjustment proposed by owners	2,721,506



Edward Zammit Tabona
CEO
Fortina Investments Ltd.

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Dr. Carmel Mangion
Notary Public and Commissioner for the
Mangion & Mangion Notaries,
9, Saint Andrew's Square, Luqa - LOA 1091
Tel: 21820405 Fax: 21257244
Mob: 9949 37032 13 14 15
Email: c@mangionnotaries.com



The Chairman
Lands Authority
Auberge De Baviere Valletta

The Hon Judge Lino Farrugia Sacco

Dear Sir,

I am writing on behalf of Fortel Services Limited who is the owner of the Fortela Hotel and its amenities at Tigne' Sea front Sliema.

Fortel Services Limited [hereinafter referred to as Fortel] is in the process of totally restructuring their tourism facilities at Sliema by upgrading them to a superior five star standard and increasing the capacity of accommodation and amenities in a way as to cater for the current and future demands in line with both Government policies to upgrade and enhance services rendered and also in coherence to the current and future tourism demands which are all the time getting more competitive and demanding.

Moreover, the plan of Fortel is to introduce new facilities and to attract an international hotel brand, which would complement those already prevailing and would enhance the profile of Malta in international tourism – very much intended to compliment and comply with current national policies for tourism of quality.

The process will involve the restructuring of a totally new 5 star hotel together with its facilities, which will include a totally refurbished and reconstructed health and fitness relaxation , beauty and the addition of conference facilities all of which are an essential requisite of such upgrading. The five star room stock will increase from 147 suites to 218 suites as a result of an extension of the present hotel and additional construction on the existing Spa Block.

The investment involved in realising this objective will be in the region of Euro 55 Million (direct construction and finishing costs only). which shall be funded by own funds and partly by a bond issue.

Moreover as part of the Social Corporate responsibility, Fortel shall be providing and maintaining at their expense a public area within the project covering an area of 2380 square metres. This will be retained permanently as an open space giving breath to the location.

Moreover, in order to sustain the feasibility, an adequate ROCE for the benefit of the project and also in further warranty of the intended bond issue, it is proposed to include in the project a divided portion of the site intended for freehold residences. This will only cover 1810sqm being 20 % of the whole existing site measuring 9045 square meters.. This is even less than the area measuring 2380 square meters earmarked and intended for public purposes under social corporate responsibility by Fortel as mentioned above

The site wholly owned by Fortel measures approx 9045 square meters, of which 620 square meters were purchased freehold from third parties and the remaining 8425 square meters were purchased freehold from the Government. However, in order to proceed with these ambitious plans, Fortel requires the assistance of the Authority as three portions of the site purchased from Government are

subject to certain limitations. In this respect I am forwarding for your perusal with this letter a status report accompanied by a plan [which includes the whole site divided into portions of land] on each portion of land constituting the Fortina site.

In order to proceed Fortel simply requires permission in writing from the Lands Authority on the following divided portions of land of the Fortina site as explained in the manner hereunder and on the attached plan;

1. Written permission is required to build an additional 2 floors to be used as hotel rooms where a height limitation is imposed on the site – vide comments on site 1 of the status report attached. To clarify, this area is marked in Green and hatched in Black and refers to the contract in the records of Notary Vincent Miceli dated 15th February 2000.
2. On site 2 indicated in the status report, that is the divided portions of the site coloured in Violet, and Grey on the attached plan, Fortel requires permission in writing from the Authority to build freehold residential property up to any level as sanctioned by the Planning Authority. To clarify, this means a waiver of the limitation that the divided portions of land indicated can only be used for touristic purposes and also a waiver of the height limitation and any other restriction affecting the development of residential property to be sold to third parties. This area upon which waivers are being required only measures approximately 625 square meters of the total area purchased from Government of 3010 square meters, the remaining area of 2380 square meters will remain with the same restrictions as per the original contract in the records of Notary Vincent Miceli dated 25th January 1996. However as described above this remaining area will be open for public use.
3. On Site 3 as indicated on the status report, that is a divided portion of the site coloured in Red, Yellow (marked 2000sqm) and White hatched with Blue lines (marked 1515 sqm) and a room measuring 23 square meters at ground floor level only. The waiver required for this portion of the land is for the removal of the clause in the relative contract:

“L- Immobli mibjugha n forza ta dan l - att gew trasferiti sabiex iservu bhala estensjoni tal-facilitajiet tal-kunpless magharuf bhala Fortina Hotel ”.

The waiver required refers only to 565 square meters that will be used to construct freehold residential property. In addition a waiver will be required for the 23 square meter room to be used and form part of the public open space previously mentioned. For avoidance of doubt, out of a total area of 4103 square meters, (1515+2000+565+23) we are only requesting a waiver on 565 square meters for residential purposes and 23 square meters to be made available for public use. The remaining area of 3515 square meters will remain with the same restrictions as per the original contract in the records of Notary Vincent Miceli dated 12th June 1991. Including Inter Alia that the foreshore already maintained by Fortel, will continue to be so maintained with free uninterrupted and continuous access to the public.

Thanks in advance for an expeditious decision

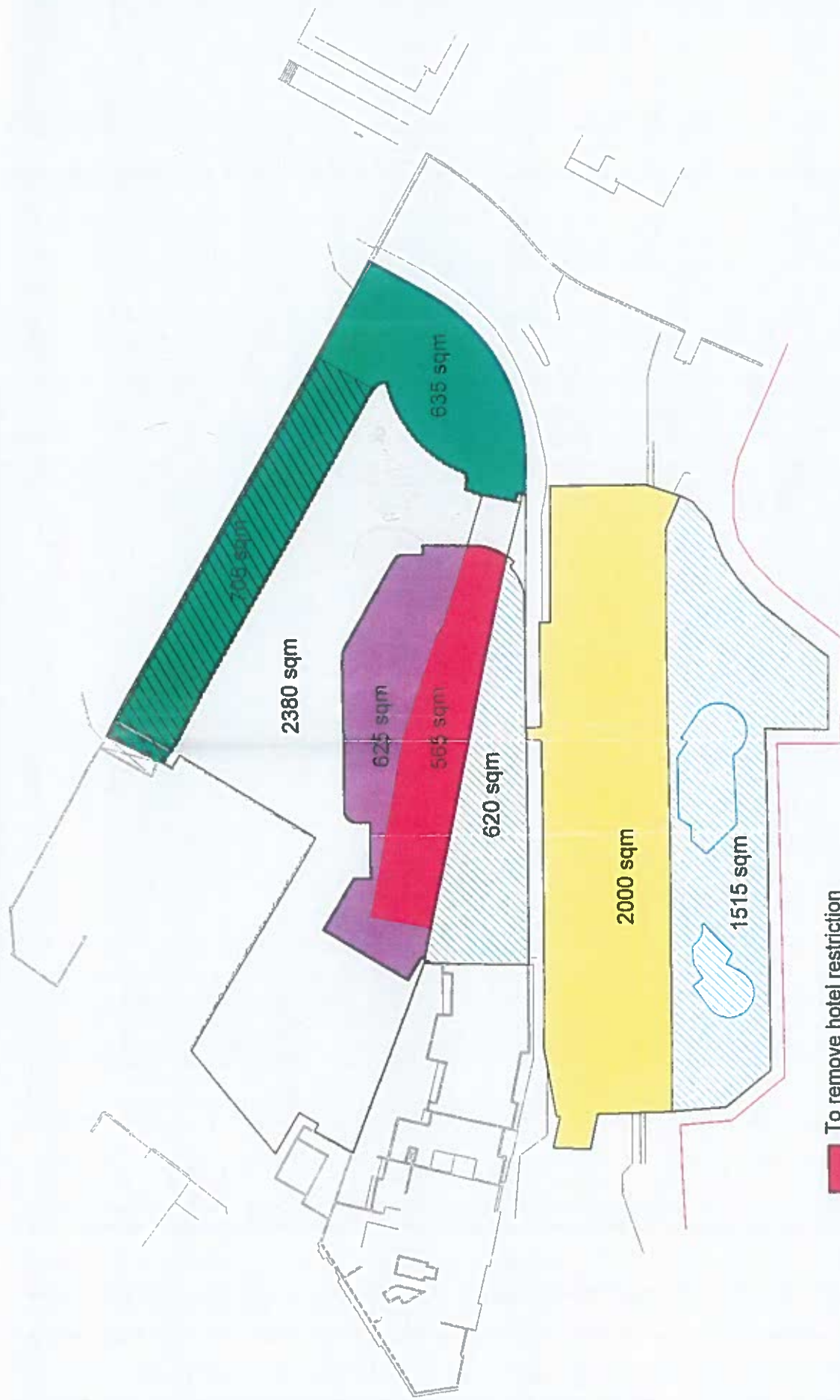

Dr C Mangion obo Fortel

3/4/17

P.S. Plan attached

1515 2000 23 23
565
3515

Dr. Carmel Mangion
Notary Public and Commissioner for Oaths
Mangion & Mangion Notaries,
9, Saint Andrew's Square, Luqa- LQA 1091
Tel: 21820405 Fax: 21257281
Mob: 9949 3703
Email: c@mangionnotaries.com



- To remove hotel restriction
- No restriction
- To remove building & hotel restriction
- Tower : to remain as 5* hotel
- Spa Block : to remain as 5* hotel
- Hotel & Public Open Space
- Hotel facilities below road (Gym & Multipurpose Hall)
- Lido Area for Hotel Use

Hotel: 7,235 sqm (80%)
 Residential: 1,810 sqm (20%)
 Total Site Area: 9,045 sqm

STATUS REPORT

Government acquired land on the site occupied by Fortina Hotel Sliema

Notes Documentation and plans including deed of acquisition provided by Fortina ;No official search was undertaken by the undersigned .

Reference is largely made to a plan which has the various sites coloured marked as Plan P ; but during the narrative reference is made to plans attached to the deeds and this is done for better understanding of certain issues highlighted in the narration .

1. Site One [deed indicated by number 1]

1.i Divided portion of land coloured in green [of which a divided part is cross lined in black over green background] total area on plan 1340 sq metres .

Purchased by; by FORTEL SERVICES LIMITED by virtue of a deed in the records of Notary Dr Vincent Miceli of the 15th February 2000;

1.ii This was an outright sale of the site on deed indicated as having a total area of 1420sq meters .

Purchased as free and unencumbered. The government opted for outright sale and not a concession of emphyteusis

However on this site where now the hotel is built there are a number of limitations imposed on it . ;

a it is for the exclusive use as an extension of the Fortina Hotel

b. on a divided part of the same site which lies at the back of the same site which is cross hatched in black on green background indicated as having an area of circa 705sq mts on the plan marked P but according to the deed of purchase the area should be 900 sq mts the Fortel Services cannot build to a height which is higher than the maximum permitted that is of 29.5 metres from the **mean sea level**.

To build beyond that height limitation imposed on the site herein referred to a permit is to be granted by the Government which could be refused or granted at Government's discretion ; however according to the deed of purchase if the neighbours who overlook the site and whose particulars were included in the purchase deed do give their consent, or if they have passed away [i.e. the right was personal to the inhabitants living at the time and indicated on the deed and does not pass to their successors in title] Fortel does not need a government permit to build to a higher level , always provided it obtains Planning permits .

Balconies in an adjacent site overlooking part of same site which measures 35 sq metres pertaining to hotel rooms built at a higher level on the adjacent site and at a level higher than the 29.5 mts limitation could extend on the site [subject to height limitation] to a maximum of 2 mts depending on their location within the hotel .

It was agreed that if government grants permit to build to higher level no additional

consideration will be due to the government.

2.i Divided portion of land purchased by Fortel Services Limited from Government comprising the divided portion coloured in violet [area 625 sqmts] and the adjacent portion coloured in light grey [area 2380 sq mts] . This site was purchased by virtue of a deed in the records of Notary Vincent Miceli of the 25th January 1996 where the total area was indicated as 2992 sq mts which tallies with the area indicated on deed taking into account the circa . The government had opted for an outright sale and not a concession of emphyteusis.

2ii this site was sold freehold but subject to a number of limitations namely;

a. The limitations consisted of height limitations on the whole site and on a divided part of the site which overlooks Triq Censu Xerri no constructions are permitted to be executed from the level of the road indicated by the letters XX on the plan attached to the deed and hereunder included to this report as Plan marked as document P2 attached to deed indicated by number 2 . [buildings below street level are not prohibited]

On the rest of the site the height limitation prevails and the only constructions permitted are a boundary wall; emergency exits for the immovable permitted to be constructed below the street level, extension for enemalta substations garden landscaping toilets not exceeding 30 square mtrs I area ; a bocci pitch and toilets and store to serve same pitch not exceeding 30 sq mts.-as floor area }

All other forms of building are expressly prohibited unless express written approval is granted by government.

Buildings below indicated below the street levels on the attached plan P2 are indicated by the letters XX and PQ were allowed

Thus any development on any part of this site requires Government

3 Property – deed in the records of Notary Vincent Miceli of 12 th June 1991 [Deed3].

By virtue of this deed Fortel Services Limited purchased 3 divided portions of land and a room ;

3.a. portion one [1] consists of a divided portion of land adjacent to the Fortina hotel property of Fortel services measuring 565 square meters delineated in red on plan P1 attached to deed 3 [located on plan P in Red]

3.b a room at ground floor level up to a height of eleven courses underlying the Property of Fortel bounded south by the Road east by property of government and west by property of Fortel . Room measured 23 mk. Delineated in yellow on plan P3 attached to deed 3 This room will be integrated in the Public space

3.c. the airspace of a portion of land underlying the road and thus the airspace extends to a height up to the level of the existing road measuring approximately 1964 square mts which leads from hotel to external pool area described under paragraph 3.d below, bounded on the north by government property in part and in part by property of Fortel and on the south by the property described in paragraph D. -delineated Yellow on plan P3

3 d. the airspace up to a height of one metre above [then existing] street level measuring approximately 1346sq mts bounded on the north by the site described in paragraph 3.c above and on all other site by the sea shore [thus foreshore included here]

On this site the outside pool area and facilities are built and are interconnected to hotel Fortina through site 3.c. delineated in white hatched in blue on plan P3

These four portions of land were purchased freehold .

All sites are intended to serve as an extension of the Hotel Fortina.



3/4/17

Dr. Carmel Mangion

Notary Public and Commissioner for Oaths

Mangion & Mangion Notaries,

9, Saint Andrew's Square, Luqa- LQA 1091

Tel: 21820405 Fax: 21257281

Mob: 9949 3703

Email: c@mangionnotaries.com

Ref:

Date: 17/10/2017

Client:



Location: Site forming part of the Fortina Hotel, Sliema October 2017

Re: Valuation of site.

An inspection was held on 11th October 2017 and I have to report as follows. Access was gained via the communal areas of this hotel complex.

A measured site survey was not undertaken, but areas are calculated by reference to identified boundaries of the property as noted in site plan as submitted in Appendix A, with reference to portion of land as highlighted in red and the appropriate PA map server facility. All property measurements are carried out in accordance with the code of measuring practice as issued in the Kamra tal-Periti Valuation Standards 2012.

This valuation report then refers to Act XVII of 2017 section 79/3 a - h namely:

(a) The date of the valuation; 12th October 2017

(b) The date with reference to which the property was valued; part site forming part of the Fortina Hotel, Sliema valued as at the 11th October 2017, date of inspection.

(c) The state which it is calculated that the property was in on the date with reference to which the property was valued, this site, was noted as forming part of a hotel complex constructed a good number of years ago. Improvements were noted as having been ongoing over the years but not in a holistic fashion. It appears this facility presently awaits an overall update.

(d) The use which was being made of the property on the date with reference to which it was valued, including information as to whether the property was at the said time subject to rights of third parties such as emphyteusis, use, usufruct or lease; as noted this portion of land forms part of a hotel complex. It was further noted that it was specifically granted by Government for the sole use of an operating hotel – note Appendix F for further contract details.

(e) The comparable transactions, if any, with reference to which the property was valued; the present land rates were adopted for hotel and residential uses.

(f) The restrictions from the scheming in accordance with the local plans and, or other pertinent reasons; This site falls within an area for Development of new hotels in Sliema governed by policy NHSJ15.

(h) The method which made them reach such valuation; based on the difference in values of the proposed use as outlined in present planning application PA/06252/17, which however has not presently been approved, and the existing hotel use.

(h) The Declaration of the periti and also other experts involved in the valuation, in accordance with the previous sub article, that they do not have any conflict of interest on the date of valuation; the undersigned confirms that no conflict of interest arises in advising you of the opinion of the value of the property, since the undersigned or his associates will not benefit from the valuation instruction, other than the valuation fee.

Title documentation and leases were not provided to us; however we have been informed that this is a freehold property – refer to Appendix F for further contract details. Unless notified to the contrary, we assume that each property has a good and marketable title and is free from any pending litigation. We further assume that all documentation is satisfactorily drawn and that unless disclosed to us, there are no unusual or onerous restrictions, easements, covenants or other outgoings, which would adversely affect the value of the relevant interest(s). We recommend that reliance should not be placed on our interpretation thereof without prior verification by your legal advisors.

The report will be of use to the Lands Authority and its professional advisers and is for the sole purpose stated above. Liability cannot be accepted if it is relied upon by anyone else, whether for the stated purpose or any other.

INTRODUCTION

This site with a rear frontage of circa 61.6m and an average depth of circa 10.36m measures circa 565m². It forms the rear part of the Fortina hotel as indicated in the highlighted red portion in Appendix A. The existing structure is currently overlooking the hotel pool deck taking in sea and Midi football ground views from the upper floors, as noted in Google Earth Appendix A together with photo Nos. 6-9 in Appendix C. Appendix D notes the present upper hotel rear rooms layout, with the area in question as highlighted in red.

This site forms part of a larger portion of land measuring circa 5,346.67m², on which an application is ongoing as below. This development as noted in PA/06252/17 below. This may be noted as in Appendix E below. It is further to be noted that this proposed residential development will outstand on the existing rear hotel construction, impinging on the present pool deck area.

PA CONSIDERATIONS

Currently there is an on-going planning application in the pipeline covering this site and is as follows

PA/06252/17 " Demolition of existing 4 star hotel and the Spa Wing of the 5 star hotel, and excavation of site. Construction of 3 levels of below ground car parking; construction of ground floor retail complex (mix of Class 4B and Class 4C) under a landscaped Public Open Space; and construction of residential complex rising to a maximum of 15 floors above street level. Development also to include complete refurbishment (including internal alterations) of the existing 5 star hotel, the construction of five

additional floors on the hotel tower and construction of stepped hotel block rising to 13 floors above the plaza, in place of the Spa Wing spaces)."

There is no further information as of the date of this report. However this is noting no case status on the PA website as of the date of this report.

This site falls within an area for Development of new hotels in Sliema governed by policy NHSJ15, This is noted in full in appendix B and goes on to say "This policy encourages additional hotel development within the areas identified for Hotel development. The areas identified for Hotel development consist of the Secondary Town Centres, the ex-Union Club redevelopment site and the Fort Cambridge Development Brief area as identified in Map SJ1. This policy therefore ensures that hotels development does not spread into the surrounding residential areas. The specified criteria will ensure that the permitted development is in line with the Malta Tourism Authority's policies, is in harmony with the surrounding area and will not result in significant adverse impacts."

With a current height limitation of 35.50m inclusive of a setback floor and a 1m parapet wall to hide services as required by law. This equates to a total of 11 residential floors, should residential units be constructed instead of the present hotel. However should the hotel use be retained 4.1 The Hotel Height Limitation Adjustment Policy (HHLAP) will only be applicable to Hotels in Qualifying Tourism Areas (QTAs). (As noted in full in appendix B). A recent PA policy on additional floors for retirement homes Quotes "When converting this increase in the number of floors to a height in metres, the equivalent overall height in metres stipulated in Annex 2 of Approved Document - the Development Control Design Policy, Guidance and Standards 2015 (DC15) shall apply. The number of levels within the resultant overall height in metres shall also be based on the provisions of the aforementioned DC15" if the same principal was to be applied in this case, an additional 11.4m would be added to the height limitation now it would appear that 3 additional floors maybe added. This is noted in Table 1.

EXISTING HOTEL REAR ROOMS + PROPOSED RESIDENTIAL AIRSPACE.

Further to the option noted in PA CONSIDERATIONS on the addition of possible additional floors, Table 1 below shows the number of existing hotel rooms, together with the additional rooms possible if this hotel additional floors policy were to be undertaken, thus giving an indication of the present value of the existing airspace.

Table 1 also notes the airspace area of the proposed apartment development, as located within the red portion outlined, together with the proposed elevation as noted in Appendix E.

VALUATION METHODOLOGY

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises based on operational performance of Business Trading Properties & the comparative method for hostel premises.

A rough rule of thumb to value a hotel bedroom is given at 1000 X it's RevPAR value.

The RevPAR value of the existing hotel over the past 3 / 4 year period has been quoted at:

TABLE 1 – REVPAR VALUE as quoted by Fortina & MHRA

YEAR	2017	2016	2015	2014
RevPAR	98.75 €	85.23 €	82.78 €	74.02€
MHRA		82.30€	82.00€	78.82€

The Fortina's 2017 RevPAR value is only for part of the year from January to September. Thus comparing with MHRA data the RevPAR for 2017 is estimated at €90/night.

Thus value of this hotel is estimated at: €90/bed night X 1000 = €90,000/bedroom.

Recent up-market Malta hotel sales noted at:

Le Meridien Phoenicia 136 rooms 5-star Valletta: 2007 20M euro €147,059/room

Coastline Salini 207 rooms 4- star Salini 2014 14M euro € 67,633/room

Thus this comparative notes the estimated value for this hotel room at €90,000/room to be reasonable.

International standards quote that for a development to be feasible its land value is not to exceed 15% - 20% of its market value. It is then quoted that in countries with low labour costs this % may be higher, which in the case of Malta is taken at 25%.

Thus total land value for this existing + proposed hotel development is estimated at:
25% of 156 bedroom units @ €90,000/bedroom = €3,510,000.

AIR SPACE OF EXISTING HOTEL USE VALUE

TABLE No.1 notes this hotel with its existing bedrooms together with additional floors that may be added on due to the PA additional hotel floor policy to have a total capacity of 156 rooms. This will be undertaken on a new additional floor area of 8,977m², mainly 60m² per room.

Development Costs per room works out at:

60m² @ €800/m² = €48,000

For a room value of €90,000, then air-space value is estimated at €22,500/room.

Air-space Value of hotel rooms 156 rooms X €22,500/room = €2,902,500

This airspace value is to be compared with above value as estimated at €3,510,000.

Land value for hotel use is thus estimated at €3,500,000.

TABLE 2: EXISTING/PROPOSED HOTEL AREAS			
STATUS	LEVEL	AREA m²	ROOMS
EXISTING	-1	565	
	0	565	5
	1	565	10
	2	565	10
	3	565	10
	4	565	10
	5	565	10
	6	565	10
	7	565	10
PROPOSED as per PA/06252/17	8	565	10
	9	565	10
	10	521	9
	11	386	8
	12	364	7
ADDITIONAL FLOORS as per hotel policy	14	232	4
	15	129	3
		565	10
		565	10
		565	10
TOTAL		8977	156

AIR SPACE OF PROPOSED APARTMENT USE VALUE

The airspace being valued is an intermediate airspace which traverses the middle of the proposed apartments, as noted highlighted in red in Appendix A.

A well-known rule of thumb for plot areas divides the front, intermediate & rear portions on a cost basis in the proportion of 4:3:2. Now noting that this is a seafront plot taking in the Valletta views this proportioning is being increased to 8:3:2. This change of ratio for the front seafront portion is being substantiated by noting the market rates for finished apartments on the seafront and internal apartments taking in no sea views, within the same development in the immediate vicinity.

Now considering that these Tigne seafront apartments on the Nazzareno side facing Valletta go for €6,500/m², the airspace value as per table No. 2 is estimated at €3,375/m².

TABLE 3: RESIDUAL METHOD TO OBTAIN AIRSPACE VALUE.						
Market Value of completed units at today's date	Unit	Qty	Rate	€	Estimated value in €	Asking price in €
1 Sliema Tigne Nazzareno seafront - adjoining MIDI.						6,500.00
Development Costs						
	Unit	Qty	Rate	€	€	€
1 Construction & Finishing Costs	sqm	1	300.00		525.00	
2 Professional fees @ 8%					42.00	
					567.00	
3 VAT @ 18%					102.06	
4 MEPA Levy	sqm	1.00	5.66		5.66	
5 Total Construction & Finishing Costs					674.72	
					674.72	
6 Interest costs @5.75% for Dev Costs for ½ the dev period taken at 30 months					48.50	
7 Estate Agent fees taken @ 5% of Market Value					325.00	
8 Developers' profit taken at 22.5 % of Market Value					1462.50	
9 TOTAL DEVELOPMENT COSTS						2510.72
10 Residual value for land value considered in 30 months time						3989.28
11 Vacant Land Value today considering PV for 30 months developemnt period + 6 months selling period @ 5.75%						3373.29

AIRSPACE VALUE - €/sqm.

3375

Noting the airspace value of the plot at €3,375/m², the middle portion of this airspace, noting the above ratios at 8:3:2 is estimated at:

$$(3 \times €3,375/m^2) \times 3/13 = €2,336/m^2.$$

TABLE 4: PROPOSED INTERNAL DEVELOPMENT AREAS AT THE VARIOUS LEVELS (PA/06252/17)		
LEVEL	GROSS AREA m ²	NET AREA m ²
-3	565	
-2	565	
-1	565	
0	565	517
1	565	517
2	565	517
3	565	517
4	565	517
5	565	517
6	565	517
7	565	517
8	565	517
9	565	517
10	521	480
11	386	365
12	364	343
14	232	228
15	129	125
	8977	6710

As the internal proposed apartment airspace values at the various levels as per table 3 is noted at a net airspace area of 6,710m², the airspace value for this internal portion of airspace, as highlighted in red in Appendix A is estimated at:

$$6,710\text{m}^2 @ \text{€}2,335/\text{m}^2 = \text{€}15,667,000$$

CONCLUSIONS & RECOMMENDATIONS

The present market value of land as outlined in red in Appendix A on a freehold basis is estimated at €15,667,000 for the proposed apartment value, whilst the existing hotel land value together with potential to presently add further floors, together with the additional 2-floor hotel policy is estimated at €3,500,000.

Thus to the value to effect a change of land use from the permitted land hotel use to a proposed apartment land use is the difference between the above 2 values mainly: €12,167,000.

Perit Denis Camilleri
Warrant No.: 114

Perit Mario Cassar
Warrant No.: 157

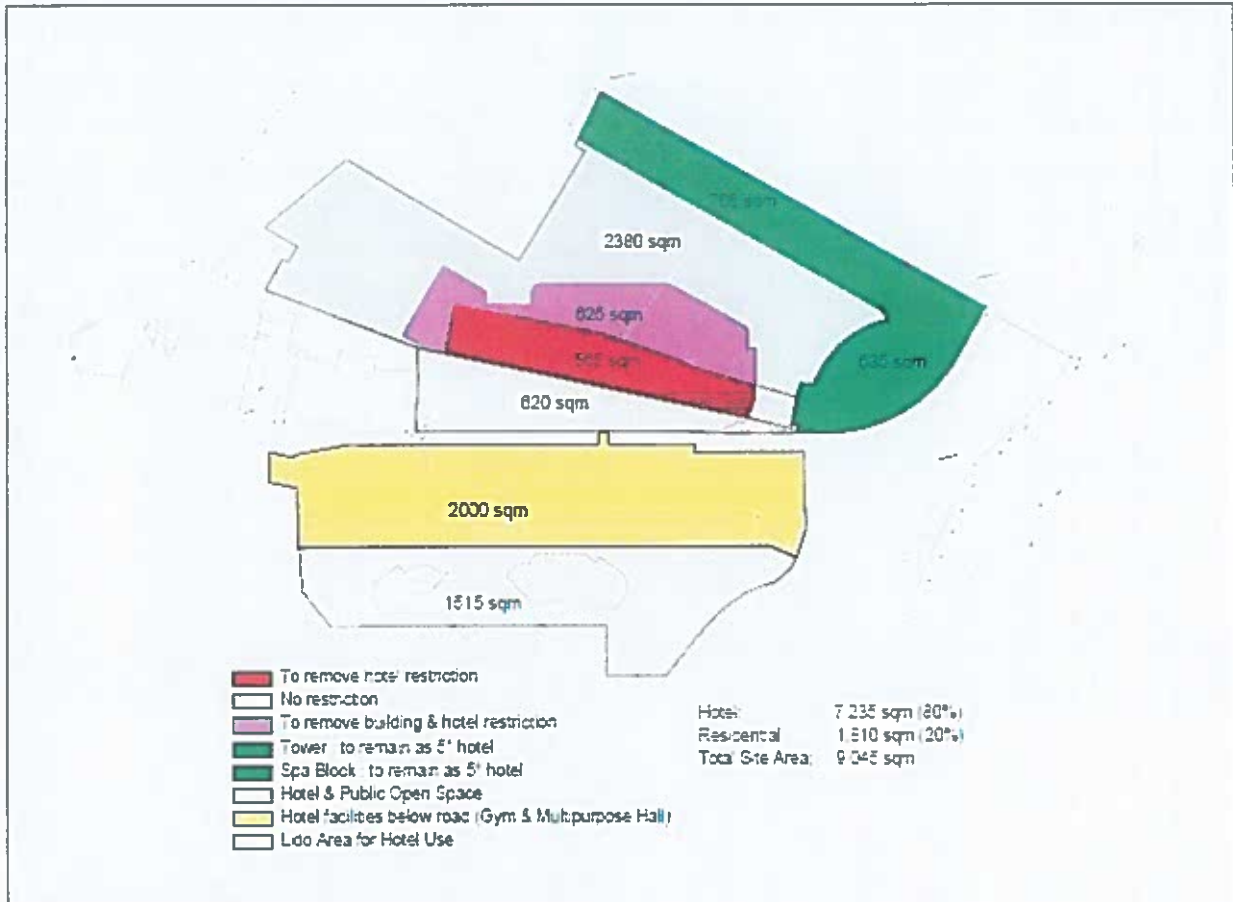
Perit Claude Mallia
Warrant No.: 370

DRAFT

CERTIFIED
DRAFT COPY


APPENDIX A

SITE PLAN



Site plan: note area as highlighted in red to be valued.

APPENDIX A

GOOGLE EARTH 2017

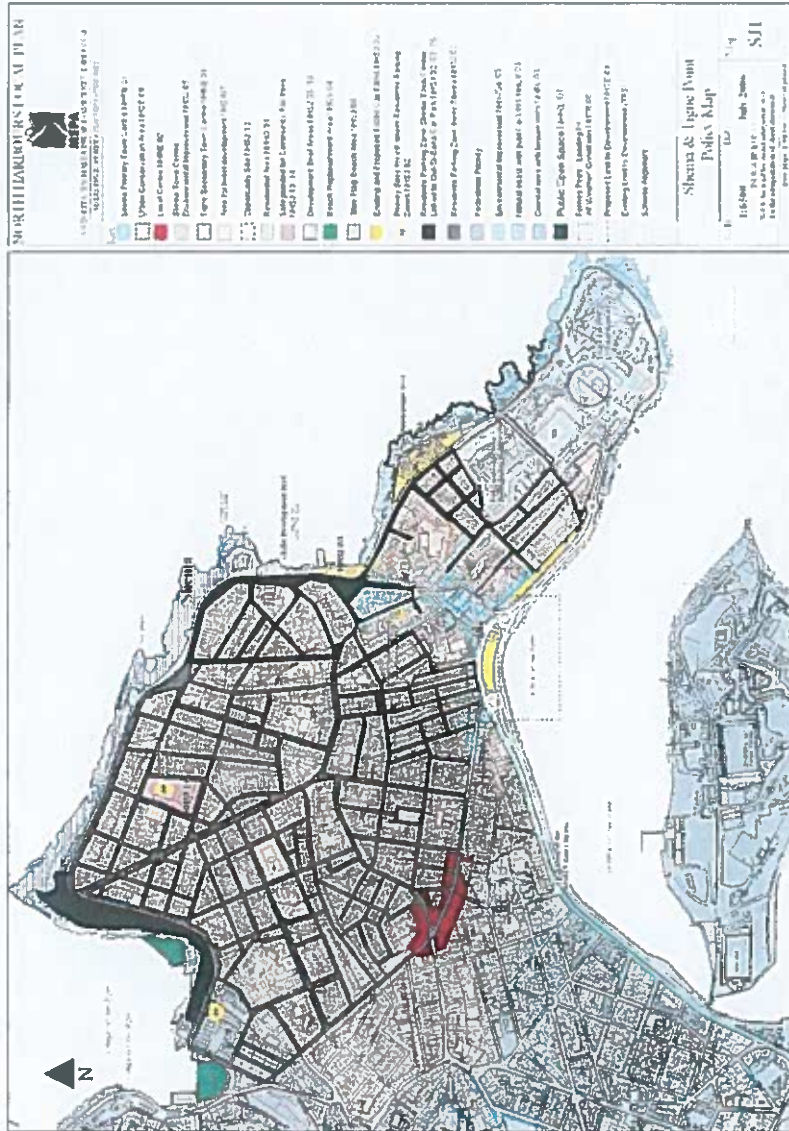


Aerial photo 2: this is an over view of the site as at present – Note highlighted area in red

APPENDIX B

LOCAL PLAN

NHSJ15 Development of New Hotels in Sliema



MAP SJ3

APPENDIX B**LOCAL PLAN**

NHSJ15 Development of New Hotels in Sliema

Applications for the development of new hotel projects within the areas identified for Hotel development in Map SJ1 will be considered favourably provided the following criteria are met:

- i. The prior approval of the Malta Tourism Authority is obtained;
- ii. The proposed development is not likely to create significant adverse impacts on the local amenity;
- iii. The scale of the proposed development is consistent with the building height limitation and the character of the area;
- iv. High quality design in terms of height, volume, layout, elevations, materials, finishes and landscaping is achieved;
- v. The proposal will not compromise existing and future proposals for traffic management in the area as established in Policies NHSJ01 and NHSJ05;
- vi. Development proposals are to comply with established standards for access, on-site parking provision, coach parking facilities and alighting points. In those cases where on-site parking provision is not desirable, the developer will be required to pay the appropriate level of contribution to the CPPS applicable to the relevant area; and
- vii. The proposal is in conformity with all relevant Policies in this Local Plan.

17.4.34

This policy encourages additional hotel development within the areas identified for Hotel development. The areas identified for Hotel development consist of the Secondary Town Centres, the ex-Union Club redevelopment site and the Fort Cambridge Development Brief area as identified in Map SJ1. This policy therefore ensures that hotels development does not spread into the surrounding residential areas. The specified criteria will ensure that the permitted development is in line with the Malta Tourism Authority's policies, is in harmony with the surrounding area and will not result in significant adverse impacts.

4.1 The Hotel Height Limitation Adjustment Policy (HHLAP) will only be applicable to Hotels in Qualifying Tourism Areas (QTAs).

4.2 Where HHLAP is employed, the following should ALL be observed:

- a) The resulting design and architectural treatment must result in a proposal which valorises and enhances the nearby urban fabric whilst the creation of blank party walls should be avoided. In instances where the latter cannot be avoided, specific attention needs to be given to the treatment of such walls through the application of creative design solutions; and
- b) In general, onsite parking should be provided according to the prevailing parking requirements. In cases where these requirements cannot be reasonably met other transport related compensatory measures agreed with MEPA and Transport Malta may be considered; and
- c) The overall built mass should not exceed the maximum height limitation indicated in the approved Local Plans including any subsidiary concessions by more than 2 floors; and
- d) HHLAP should only be applicable to cases where prior consent from the Malta Tourism Authority is submitted; and
- e) The policy should not be applicable to purely residential or other non-hotel development; and
- f) Rights acquired through this policy are only applicable to hotel development as defined in Chapter 409 of the Laws of Malta and in any equivalent revisions. Any subsequent proposals for change of use, even partial will not be positively considered unless any additional floors acquired through this policy are first removed. In cases of demolition and reconstruction rights will only be forfeited should the proposed use be other than that of a hotel. This can be achieved through requiring the proponent to sign a tri-partite legal agreement between MEPA, MTA and the proponent as explained in Section 3.8.

APPENDIX C

PHOTOGRAPHS



Photo 1: Note existing seafront façade – 8 stories high, note an existing additional floor as recessed from façade.



Photo 2: another view view of existing 8-storey high hotel abutting against Fortina Tower.

APPENDIX C

PHOTOGRAPHS

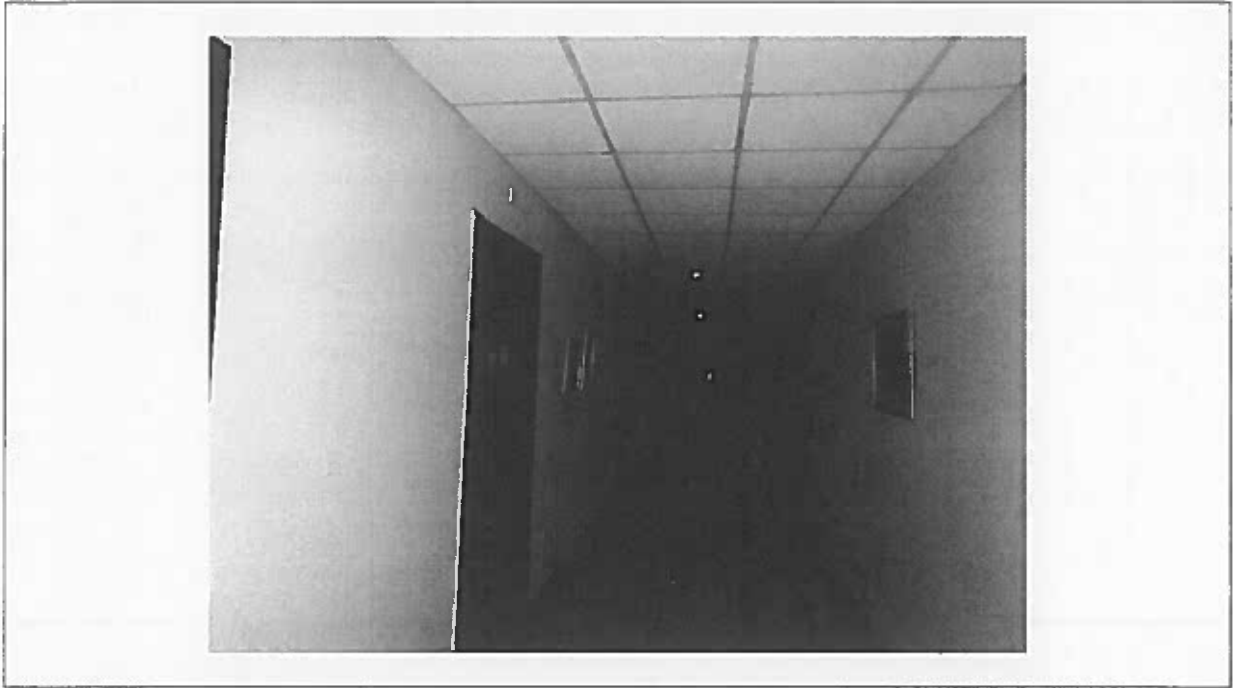


Photo 3: note existing state of hotel corridor with abutting doors to rear guest rooms.



Photo 4: note existing state of slightly upgraded hotel corridor with abutting doors to rear guest rooms.

APPENDIX C

PHOTOGRAPHS



Photo 5: view of the rear rooms overlooking the lagoon pool area.



Photo 6: seaviews presently available for the upper rear rooms.

APPENDIX C

PHOTOGRAPHS



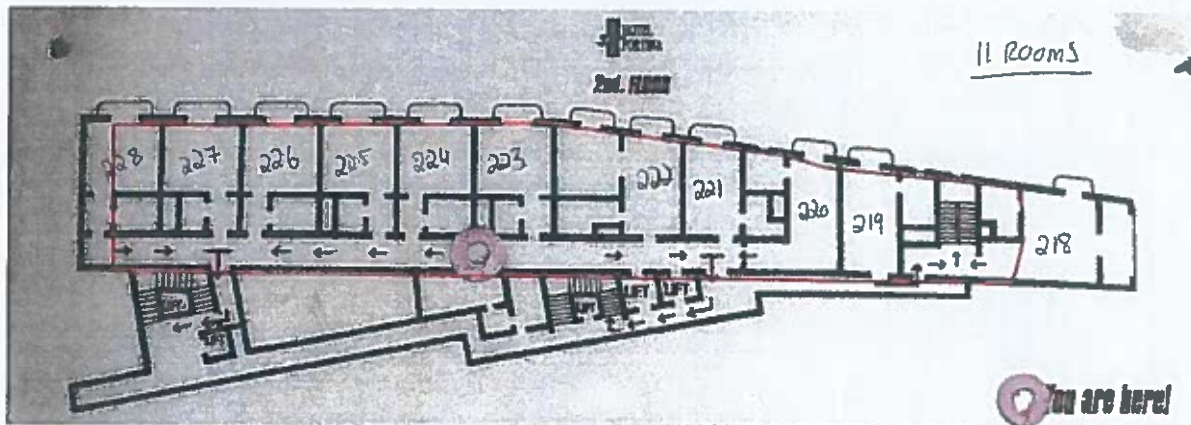
Photo 7: back 8 storey façade of the rear rooms – note pool deck situated at 1st floor of pool complex.



Photo 8: note existing state of hotel corridor with abutting doors to rear guest rooms.

APPENDIX D

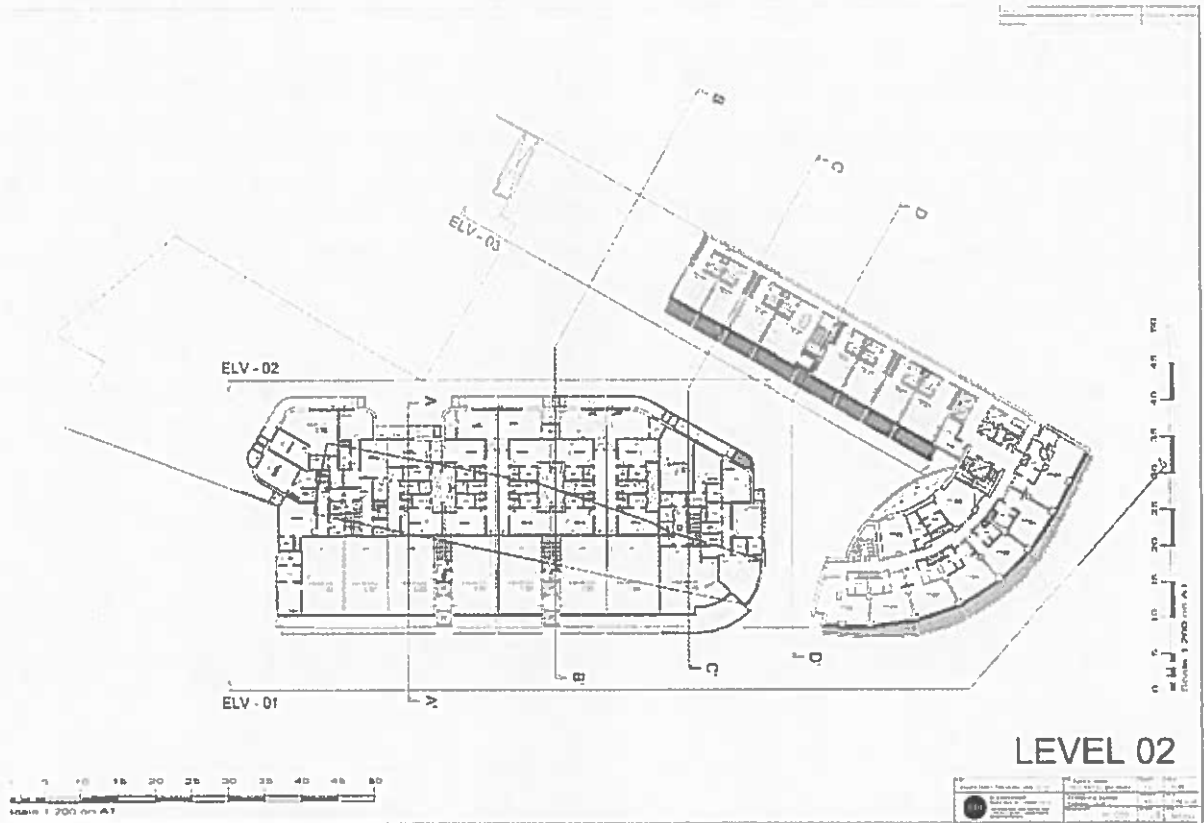
EXISTING HOTEL LAYOUT REAR DRAWINGS



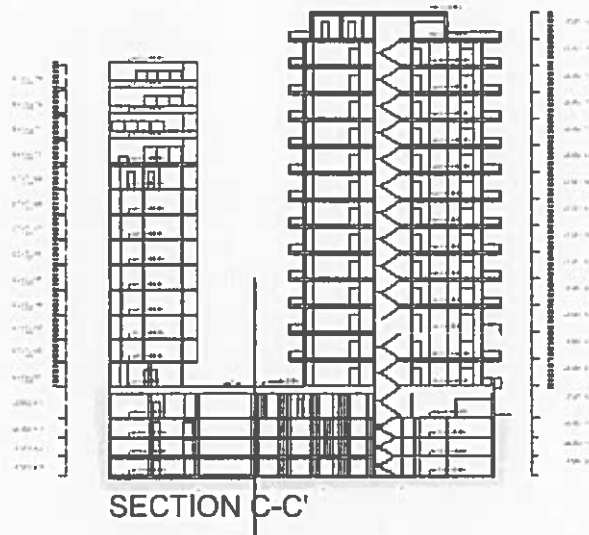
Existing plan. Site to be valued marked in red (note area forming part of the internal part of the Hotel, overlooking the existing pool deck area).

APPENDIX E

PROPOSED DRAWINGS



Proposed plan as per PA/06252/17. Site to be valued marked in red (note area to form the internal part of the residential block, impinging on part of the existing pool deck area)



Project Name	Fortina Hotel	Sheet No.	19
Client	Fortina Hotel	Scale	1:200
Architect	dhiperiti	Date	10/2017
Engineer	EG	Drawn by	SA

Proposed Section C- C 14 storey height proposal + 4 u/lying parking levels.

APPENDIX F**EXTRACTS FROM CONTRACTS**

Title documentation was provided in the form of three contracts, namely;

- I. Contract dated the 12th. June 1991- Notary Dr. Vincent Miceli regarding the transfer of property amounting to 465 square meters, a room, 1964 square meters and 1364 square meters respectively (LD76/91)
- II. Contract dated the 25th. January 1996 -Notary Dr. Vincent Miceli regarding the transfer of property with vacant possession, amounting to 1992 square meters.
- III. Contract dated the 15th. February 2000 -Notary Dr. Vincent Miceli regarding the transfer of property with vacant possession, amounting to 1421 square meters, 2992 square meters, and 577 square meters, respectively.

In the status report of Notary Dr. Charles Mangion, paragraph 3, under 3.a portion 1, his request to the Authority, refers exclusively to a divided portion of land measuring 565 square meters. In the above-mentioned contracts the divided portion of land amounting to 565 square meters cannot be identified. With reference to the coloured master plan attached with Notary's Mangion request, the land under consideration is marked in RED.

Unless notified to the contrary, we assume that each property has a good and marketable title and is free from any pending litigation. We further assume that all documentation is satisfactorily drawn and that unless disclosed to us, there are no unusual or onerous restrictions, easements, covenants or other outgoings, which would adversely affect the value of the relevant interest(s). We recommend that reliance should not be placed on our interpretation thereof without prior verification by your legal advisors.

97

The Chairman
Lands Authority,
Auberge de Baviere
Valletta

Re request to permission to change of use on land acquired by Fortel Services Limited and /or their successors in Title from Lands department

Dear Chairman,

Further to correspondence send to lands department prior to it evolving into Land Authority [that is April 2017] with regards to the subject and request in caption I would like to add and underline that the Planning Authority has approved not only residential buildings to be erected on site but also offices and commercial outlets- All this on the same footprint and plan indicated in the previous correspondence.

For ease of reference I am attaching both copies of Planning permits already approved.

Thus on behalf of Fortel services Limited and its successors in title [although the same beneficial owners] I would like the Lands Authority to revoke the limitation imposed on the development of the portions of land already indicated, as being solely for touristic purposes and concede and approve that the same land or divided portions of land could be developed for all the development purposes approved in the attached planning permit without limitation.

Such approval will be subject to the terms and conditions proposed and agreed with the Lands authority .

Dr. Charles Mangion

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E. c@mangionnotaries.com

Dr. Malcolm Mangion

B.A. (Legal & Humanistic Studies) NP, A/C Arb, LL.D

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LEGAL OFFICE

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F. +356 2125 7281

www.mangionnotaries.com

Following such approval it would be appreciated if the requisite deeds of modification and revocation are published with expediency.

Thank for your kind co operation

A handwritten signature in black ink, appearing to be 'Dr Charles Mangion', written in a cursive style.

Dr Charles Mangion
obo Fortel Services Limited and its successors in title
6th December 2018

Mr. Edward Zammit Tabona

Date: 4 October 2018
Our Ref: PA/03913/18

Application Number: PA/03913/18
 Application Type: Full development permission
 Date Received: 18 April 2018
 Approved Documents: PA 3913/18/12d: Site Plan
 PA 3913/18/105a: Level -3
 PA 3913/18/105b: Level -2
 PA 3913/18/105d: Level -1
 PA 3913/18/87a: Level 00
 PA 3913/18/12i: Level 01
 PA 3913/18/12j: Level 02
 PA 3913/18/12k: Level 03
 PA 3913/18/12l: Level 04
 PA 3913/18/12m: Level 05
 PA 3913/18/12n: Level 06
 PA 3913/18/12o: Level 07
 PA 3913/18/12p: Level 08
 PA 3913/18/83b: Level 09
 PA 3913/18/83c: Level 10
 PA 3913/18/101b: Level 11
 PA 3913/18/83e: Level 12
 PA 3913/18/83f: Xatt ta' Tigne` Elevation
 PA 3913/18/83g: Plaza Elevation
 PA 3913/18/39d: Section AA and BB; and supporting documents:
 PA 3913/18/78a: Accessibility Audit Report
 PA 3913/18/77a/77b: Construction Management Report
 PA 3913/18/105a/105b/105d: Parking allocations
 PA 3913/18/85b: Green Travel Plan
 PA 3913/18/61a: Water Services Corporation
 PA 6252/17/225a/336a and PA 3913/18/93a/94b: Transport Malta - already sent
 PA 6252/17/194b/334a and PA 3913/18/63a: Environment and Resources Authority - already sent
 PA 3913/18/76a/76b/76c: Energy, Utility and Storm Water Management Plan
 PA 3913/18/12b/12c/91a/91b/91c/91d: Fire Safety, Ventilation, Noise and Fumes Report

Location: Fortina SPA Resort, Ix-Xatt Ta' Tigne &, Triq Censu Xerri, Sliema, Malta

PA/03913/18

Print Date: 30/10/2018

Proposal: Change of use of residential (Class 1) blocks A (height of eight floors plus recessed) and B (height of eleven floors plus recessed) and part of the retail element (Class 4b) at ground floor (all as approved in PA06252/17) to offices (Class 4a) including internal alterations, and changes to the façade.

**Development Planning Act, 2016
Full Development Permission**

The Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

1 General:

All relevant approved documents and conditions in development permit PA 6252/17 still apply for this development permission.

2 Bank Guarantee:

The Bank Guarantee to the value of €150,000 imposed in condition 4 of permit PA 6252/17 shall be extended to cover this development permission to ensure that the development is carried out in conformity with the conditions and document approved with this development permission.

The total amount of the guarantee shall be released to the applicant only after completion of the development hereby approved and upon confirmation by the Planning Authority that the requirement of this condition has been complied with in full. If this condition is not complied with, then the total amount of the bank guarantee shall be forfeited. Its forfeiture would not, however, preclude the Authority from taking any action to ensure that the conditions of this permission are adhered to and the approved drawings/documents are complied with.

3 Construction Site Regulations:

The Bank Guarantee to the value of €7,780.53 imposed in condition 5 of permit PA 6252/17 shall be extended to cover this development permission to ensure that the street is properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 (Legal Notice 295 of 2007).

The bank guarantee shall only be released after the permit submits a post-construction condition report together with photographs evidencing compliance with this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council.

This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

4 **Construction Management and Works Monitoring:**

The Construction Management Plan approved document PA 3913/18/77a/77b shall apply for this development permission. The development shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

The architect/applicant is required to contact Transport Malta and Environment and Resources Authority throughout all the construction phases of the development hereby approved, to ensure conformity with any conditions imposed by them. A copy of the relative correspondence / clearance shall be submitted to the Planning Authority accordingly. This approval does not preclude the applicant from obtaining other necessary permission and/or licenses from other Authorities, Departments or Agencies.

5 **Transport Considerations:**

The Green Transport Plan (GTP) shall be implemented as indicated in approved document PA 3913/18/85b. A Green Transport Plan (GTP) monitoring and review report shall be submitted to Transport Malta and the Planning Authority after one year from issue of the first operational compliance certificate, and on an annual basis for the following five (5) years.

If the targets and objectives in the GTP are not being achieved by the end of these five years then the assessing Authority may require a further period of monitoring and review. The Planning Authority shall reserve the right to request further submissions or additional samples, and to impose any further conditions as deemed necessary during the progress of monitoring and review.

6 **Landscaping Plan:**

A scheme of landscaping shall be submitted for Planning Authority approval including proposals for new tree and shrub planting, 'green walls' and other landscaping features; details of the species, size, number and location of all new trees and shrubs; a timetable within which the scheme shall be carried out; and a programme of maintenance for a period of not less than five years.

The approved scheme shall be implemented in its entirety within the first planting season following completion of the development hereby approved. No final compliance certificate shall be issued for the development hereby approved prior to the implementation of the landscaping scheme in its entirety.

7 **Conditions imposed by other entities:**

The architect/applicant is required to contact the following entities throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence / clearance shall be submitted to the Planning Authority accordingly.

a) The conditions imposed and enforced by Transport Malta are at supporting document

PA 6252/17/225a/336a and PA 3913/18/93/94.

b) The conditions imposed and enforced by the Environment and Resources Authority are at supporting document PA 6252/17/334a and PA 3913/18/63a.

c) The conditions imposed and enforced by the Environmental Health Directorate are at supporting document PA 6252/17/174b.

d) The conditions imposed and enforced by the Water Services Corporation are at supporting document PA 3913/18/61a.

8 **Final Compliance Certificate:**

The development hereby permitted shall be subject to Final Compliance (Completion) Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in this development permission, except where such conditions are enforced by other entities. Prior to the issue of any compliance certificate on any part of this development, the applicant shall submit to the Planning Authority, in relation to that part of the building:

(i) Clearance from the Commission for the Rights of Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission in supporting document PA 3913/18/78a.

Note: Should a partial compliance certificate be requested, a Bank Guarantee of EUR50,000 shall apply to ensure that CRPD clearance is obtained.

(ii) Certification from a qualified engineer confirming that the approved lifts achieve the required standards of fireproof lifts; are safe and easily accessible for the users; installed and operational; a secondary source of power to the lifts has been provided; and that suitable safety and access for all measures (both audible and visual) have been installed.

(iii) Certification from a qualified engineer confirming that the development fully satisfies the requirements specified in supporting documents PA 3913/18/12b/12c/91a/91b/91c/91d. This clearance shall also confirm that the development is safe for users in terms of fire safety and ventilation and includes mitigation measures compliant with applicable required laws, regulations and standards.

(iv) Clearance from the Civil Protection Department verifying that the development fully satisfies any conditions imposed by them.

9 **Standard conditions:**

a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.

c) Copies of all approved drawings and documents shall be available for inspection on site

by Planning Authority officers at all reasonable times.

d) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Design Policy, Guidance and Standards 2015 shall apply.

e) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

f) A Commencement Notice is to be submitted to the Planning Authority, by the permit holder on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, **if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised - Article 72(4) of the Development Planning Act (2016).**

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of the Planning Authority when the setting out of the alignment and levels is required.

h) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

i) It is the responsibility of the permit holder to ensure that development is carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

j) New development on vacant or redeveloped sites shall be provided with a water cistern to store rainwater run-off as required by the Energy Performance of Buildings Regulations (2012) [published through Legal Notice 376 of 2012 and any amendments thereto].

k) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

l) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a public pavement or road.

m) Where present, window grilles (including 'pregnant' windows), sills, planters and other similar elements which are part of or fixed to the facade of buildings, the lower edge of which is less than 2 metres above road level, shall not project more than 0.15 metres from the facade over a public pavement or street.

n) Air conditioning units shall not be located on the facades of the building which are visible from the street or a public space.

o) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

p) Any garages/parking spaces shall only be used for the parking of private cars and shall be kept available at all times for this purpose.

q) Any unit approved on more than one floor (duplex or more) shall remain physically interconnected as a single unit, and shall not be sub-divided into separate units without specific Planning Authority consent.

10 **Standard conditions for Land Use:**

a) The approved premises shall be used as indicated on the approved drawings or as limited by any condition of this permission. If a change of use is permitted through the Development Planning (Use Classes) Order, 2014 (or its subsequent amendments), and it is not restricted by a condition of this permission, approval from the Commission for the Rights of Persons with Disability may still be required. Reference needs to be made to PA Circular 3/10 (with the exception of Appendix A), PA Circular 2/14 and their subsequent amendments.

b) The approved shop shall be put to any Class 4B Retail use as defined in the Development Planning (Use Classes) Order 2014, excluding greengrocer, minimarket, butcher, or fishmonger.

c) The approved Class 4C premises, as indicated in approved drawings shall be used as a catering establishment for the preparation and sale of hot or cold food and drink for consumption on the premises where no cooking is allowed. Equipment and other implements used to transform raw material into edible material through the process of heat shall not be used, kept or stored within the premises.

d) The approved Class 4D premises, as indicated in approved drawings shall be used as a catering establishment for the preparation and sale of hot or cold food and drink for consumption on the premises where cooking is allowed.

11 **Standard conditions imposed and enforced by other entities:**

A. Where construction activity is involved:

(a) the applicant shall:

(i) **Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage** and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and

(ii) **Keep a health and safety file** prepared by the Project Supervisor for the Design Stage.

(b) When the construction works related to this application are scheduled to last

longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the project supervisor shall communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.

(c) The Project Supervisor for the Design Stage shall draw up a health and safety plan which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.

B. Where the development concerns a change of use to a place of work, the applicant shall obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

C. Where the development concerns a place of work:

The applicant shall:

(i) obtain a Perit's declaration that the necessary requirements arising out of LN 44 of 2002 have been included in the plans and drawings; and

(ii) obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

D. The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

E. Where the development includes a swimming pool:

(a) Any effluent, if discharged in the sewers, shall meet the specifications listed in L.N.139 of 2002 as amended by L.N.378 of 2005.

(b) Adequate sampling points should be installed as directed by WSC – Discharge Permit Unit officials.

(c) Chlorine concentration of the effluent should not exceed 100 mg/L Cl₂.

F. Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of Legal Notice 29/10 Part III (Roads in inhabited Areas) Clause 12.

G. In the event of an accidental discovery in the course of approved works, any cultural heritage feature discovered should not be damaged or disturbed and the Superintendence is to be immediately informed of such discovery. Any cultural heritage features discovered are to be investigated, evaluated and protected in line with the Cultural Heritage Act 2002 (CAP 445). The discovery of cultural heritage features may require the amendment of approved plans.

permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

This decision is being published on 10 October 2018.

Joseph Borg
Board Secretary
Planning Board

Notes to Applicant and Perit

Right for reconsideration

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 14 of Legal Notice 162 of 2016.

Right for appeal

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.

Time limits

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 14(1) of Legal Notice 162 of 2016.

Fees to submit a request for reconsideration or appeal

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of DPF (Development Permit Fee) paid in respect of the original application, subject to a minimum of €150 + €50 administrative fee (LN 112 of 2016).

Submission of request for reconsideration or appeal

With regards to requests for reconsideration, Form PA 4/16 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by Article 13 of the Environment and Planning Review Tribunal Act, 2016, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.

Important Notice

In view of the provisions of Article 72(4) of the Development Planning Act (2016), a Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised.

-PADCN-

Mr Edward Zammit Tabona
Fortel Co Ltd
Fortina Spa Resort
Triq ix-Xatt ta' Tigne`
Sliema SLM 3012

Date: 16 April 2018
Our Ref: PA/06252/17

Application Number: PA/06252/17
Application Type: Full development permission
Date Received: 6 June 2017
Approved Documents:

- PA 6252/17/215a: Site Plan
- PA 6252/17/142a: Level -3
- PA 6252/17/142b: Level -2
- PA 6252/17/142c: Level -1
- PA 6252/17/209a: Level 0
- PA 6252/17/167a: Level 1
- PA 6252/17/167b: Level 2
- PA 6252/17/167c: Level 3
- PA 6252/17/167d: Level 4
- PA 6252/17/167e: Level 5
- PA 6252/17/167f: Level 6
- PA 6252/17/167g: Level 7
- PA 6252/17/167h: Level 8
- PA 6252/17/167i: Level 9
- PA 6252/17/167j: Level 10
- PA 6252/17/167k: Level 11
- PA 6252/17/167l: Level 12
- PA 6252/17/167m: Level 13
- PA 6252/17/167n: Level 14
- PA 6252/17/142r: Level 16
- PA 6252/17/142s: Level 17
- PA 6252/17/142t: Level 18-22
- PA 6252/17/142u: Roof Level
- PA 6252/17/167o: Section AA - BB
- PA 6252/17/167p: Section CC
- PA 6252/17/167q: Section DD
- PA 6252/17/215d: Xatt ta Tigne Elevation
- PA 6252/17/145b: Plaza Elevation
- PA 6252/17/271a: Plaza Elevation at Spa Block; and supporting documents:

PA 6252/17/1bg: Wind Study Report
PA 6252/17/165a-b/222a-f: Fire Safety, Ventilation, Noise and Fumes Report
PA 6252/17/166a-c: Energy, Utility and Storm Water Management Plan

PA 6252/17/163a: Malta Resources Authority
PA 6252/17/133a-b: Malta Tourism Authority
PA 6252/17/174b: Environmental Health Directorate
PA 6252/17/178a: Accessibility Audit Report
PA 6252/17/194b: Environment and Resources Authority
PA 6955/17/225a: Transport Malta

Location: Fortina SPA Resort, Ix-Xatt Ta' Tigne &, Triq Censu Xerri, Sliema, Malta

Proposal: Demolition of existing 4 star hotel and the Spa Wing of the 5 star hotel, and excavation of site. Construction of 3 levels of below ground car parking; construction of ground floor retail complex (mix of Class 4B and Class 4C) under a landscaped Public Open Space; and construction of residential complex rising to a maximum of 15 floors above street level. Development also to include complete refurbishment (including internal alterations) of the existing 5 star hotel, the construction of five additional floors on the hotel tower and construction of stepped hotel block rising to 13 floors above the plaza, in place of the Spa Wing.

Development Planning Act, 2016 Full Development Permission

The Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

1 Public Deed:

The hotel development hereby being approved shall only be used for tourist accommodation and shall not be used for permanent residential occupation or any other use notwithstanding the provision of the Development Planning (Use Classes) Order, 2014, or any amendment or addition to these Orders. No unit within this hotel development may be issued with an individual compliance certificate by the Authority, nor may any such unit be individually serviced by a water or electricity meter by a national service provider. Development rights will be forfeited should the proposed use be other than that of a hotel.

This development permission is being granted subject to the satisfactory completion of a public deed consolidating a tri-partite legal agreement between the Planning Authority, the Malta Tourism Authority and the applicant, under the terms of Article 79 of the Development Planning Act, 2016 to ensure that the above mentioned condition and any conditions imposed by the Malta Tourism Authority are complied with. This deed shall be completed prior to the commencement of works on site and within three (3) months of the issue of this development permission. The Public Registry shall be notified with a copy of this deed.

2 Planning Gain:

This permission is subject to a planning gain to the value of €596,250 towards the Planning Authority's Planning Fund. The funds raised from the planning gain shall be used to fund environmental improvement projects in the locality of the site. The planning gain is not refundable and funds shall be utilized as required and directed by the Planning

Authority.

3 **Artistic Fund Contribution:**

This permission is subject to a planning contribution of EUR50,000 which is to be deposited in the Artistic Fund administered by the Arts Council, Malta, for the creation of works of art for public open spaces by Maltese artists.

4 **Bank Guarantee:**

This development permission is subject to a bank guarantee to the value of €150,000 to ensure compliance with the permit conditions. The total amount of the guarantee shall be released to the applicant only after completion of the development hereby approved and upon confirmation by the Planning Authority that the requirement of this condition has been complied with in full. If this condition is not complied with, then the total amount of the bank guarantee shall be forfeited. Its forfeiture would not, however, preclude the Authority from taking any action to ensure that the conditions of this permission are adhered to and the approved drawings/documents are complied with.

5 **Construction Site Regulations:**

This permission is subject to a Bank Guarantee to the value of €7,780.53 to ensure that the street is properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 (Legal Notice 295 of 2007). The bank guarantee shall only be released after the permit submits a post-construction condition report together with photographs evidencing compliance with this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council. This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

6 **Construction Management Plan:**

Prior to the commencement of any works on site, a Construction Management Plan (CMP) shall be approved by the Planning Authority. The Construction Management Plan shall show: all construction access points; storage areas for materials and plant; a construction programme, including details of the timing and phasing of the development, how demolition, excavation and development is to be programme carried out; protection measures for retained buildings, structures and landscapes; protection measures for the safety of pedestrians/vehicles; the location of disposal sites for material from demolition and excavation, and the means and routing of transport to disposal sites; a traffic management scheme for the area affected by the development and the construction traffic, and; works monitoring programme to address noise levels and any other issues as considered appropriate by the Planning Authority.

No works shall be carried out on site prior to the written approval of the above.

7 **Landscaping Plan:**

Prior to construction works on site, a scheme of landscaping shall be submitted for Planning Authority approval including proposals for new tree and shrub planting, 'green walls' and other landscaping features; details of the species, size, number and location of all new trees and shrubs; a timetable within which the scheme shall be carried out; and a programme of maintenance for a period of not less than five years.

The approved scheme shall be implemented in its entirety within the first planting season following completion of the development hereby approved. No compliance certificate (partial or full) shall be issued on part, or the whole, of the development hereby approved prior to the implementation of the landscaping scheme in its entirety.

8 **Conditions imposed by other entities:**

The architect/applicant is required to contact the following entities throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence / clearance shall be submitted to the Planning Authority accordingly.

a) The conditions imposed and enforced by the Malta Tourism Authority are at supporting document PA 6252/17/133b.

b) The conditions imposed and enforced by Transport Malta are at supporting document PA 6252/17/225a.

c) The conditions imposed and enforced by the Environment and Resources Authority are at supporting document PA 6252/17/194b.

d) The conditions imposed and enforced by the Environmental Health Directorate are at supporting document PA 6252/17/174b.

9 **Final Compliance Certificate:**

The development hereby permitted shall be subject to Final Compliance (Completion) Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in this development permission, except where such conditions are enforced by other entities. Prior to the issue of any compliance certificate on any part of this development, the applicant shall submit to the Planning Authority, in relation to that part of the building:

(i) clearance from the Commission for the Rights of Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission in supporting document PA 6252/17/178a.

Note: Should a partial compliance certificate be requested, a Bank Guarantee of EUR50,000 shall apply to ensure that CRPD clearance is obtained.

(ii) certification from a qualified engineer confirming that the approved lifts achieve the required standards of fireproof lifts; are safe and easily accessible for the users; installed and operational; a secondary source of power to the lifts has been provided; and that

suitable safety and access for all measures (both audible and visual) have been installed;

(iii) certification from a qualified engineer confirming that the development fully satisfies the requirements specified in supporting documents PA 6252/17/165a-b/222a-f;

(iv) clearance from the Civil Protection Department verifying that the development fully satisfies any conditions imposed by them;

(v) certification from a competent person and/or qualified professional confirming that the development includes mitigation measures to improve the wind conditions specified in supporting document PA 6252/17/1bg to adequate comfort levels for end users.

10

Standard Conditions:

a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.

c) Copies of all approved drawings and documents shall be available for inspection on site by Planning Authority officers at all reasonable times.

d) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Design Policy, Guidance and Standards 2015 shall apply.

e) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

f) A Commencement Notice is to be submitted to the Planning Authority, by the permit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, **if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised - Article 72(4) of the Development Planning Act (2016).**

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of the Planning Authority when the setting out of the alignment and levels is required.

h) Where an officially schemed street, within the development zone, bordering the site is

unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

i) It is the responsibility of the permit holder to ensure that development is carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

j) New development on vacant or redeveloped sites shall be provided with a water cistern to store rainwater run-off as required by the Energy Performance of Buildings Regulations (2012) [published through Legal Notice 376 of 2012 and any amendments thereto].

k) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

l) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a public pavement or road.

m) Where present, window grilles (including 'pregnant' windows), sills, planters and other similar elements which are part of or fixed to the facade of buildings, the lower edge of which is less than 2 metres above road level, shall not project more than 0.15 metres from the facade over a public pavement or street.

n) Air conditioning units shall not be located on the facades of the building which are visible from the street or a public space.

o) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

p) Any garages/parking spaces shall only be used for the parking of private cars and shall be kept available at all times for this purpose.

q) Any approved stores shall be used for domestic storage only and shall not be segregated from the rest of the building.

r) Any unit approved on more than one floor (duplex or more) shall remain physically interconnected as a single unit, and shall not be sub-divided into separate units without specific Planning Authority consent.

s) Where a loading bay is indicated on the approved drawings, loading and unloading shall take place solely within the premises, and not from/on the public pavement or street.

11 **Standard conditions for Land Use:**

a) The approved premises shall be used as indicated on the approved drawings or as limited by any condition of this permission. If a change of use is permitted through the Development Planning (Use Classes) Order, 2014 (or its subsequent amendments), and it is not restricted by a condition of this permission, approval from the Commission for the Rights of Persons with Disability may still be required. Reference needs to be made to PA Circular 3/10 (with the exception of Appendix A), PA Circular 2/14 and their subsequent amendments.

b) The approved shop shall be put to any Class 4B Retail use as defined in the Development Planning (Use Classes) Order 2014, excluding greengrocer, minimarket, butcher, or fishmonger.

c) The approved Class 4C premises, as indicated in approved drawings shall be used as a catering establishment for the preparation and sale of hot or cold food and drink for consumption on the premises where no cooking is allowed. Equipment and other implements used to transform raw material into edible material through the process of heat shall not be used, kept or stored within the premises.

d) The approved Class 4D premises, as indicated in approved drawings shall be used as a catering establishment for the preparation and sale of hot or cold food and drink for consumption on the premises where cooking is allowed.

12 **Conditions imposed and enforced by other entities**

A. Where construction activity is involved:

(a) the applicant shall:

(i) **Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage** and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and

(ii) **Keep a health and safety file** prepared by the Project Supervisor for the Design Stage.

(b) When the construction works related to this application are scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the project supervisor shall **communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.**

(c) The Project Supervisor for the Design Stage shall **draw up a health and safety plan** which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.

B. Where the development concerns a change of use to a place of work, the applicant shall obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

C. Where the development concerns a place of work:

The applicant shall:

(i) obtain a Perit's declaration that the necessary requirements arising out of LN 44 of 2002 have been included in the plans and drawings; and

(ii) obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

D. The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

E. Where the development includes a swimming pool:

(a) Any effluent, if discharged in the sewers, shall meet the specifications listed in L.N.139 of 2002 as amended by L.N.378 of 2005.

(b) Adequate sampling points should be installed as directed by WSC – Discharge Permit Unit officials.

(c) Chlorine concentration of the effluent should not exceed 100 mg/L Cl₂.

F. Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of Legal Notice 29/10 Part III (Roads in inhabited Areas) Clause 12.

G. In the event of an accidental discovery in the course of approved works, any cultural heritage feature discovered should not be damaged or disturbed and the Superintendence is to be immediately informed of such discovery. Any cultural heritage features discovered are to be investigated, evaluated and protected in line with the Cultural Heritage Act 2002 (CAP 445). The discovery of cultural heritage features may require the amendment of approved plans.

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate
PA/06252/17 Print Date: 24/04/2018

the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

This decision is being published on 19 April 2018.

Joseph Borg
Board Secretary
Planning Board

Notes to Applicant and Perit

Right for reconsideration

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 14 of Legal Notice 162 of 2016.

Right for appeal

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.

Time limits

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 14(1) of Legal Notice 162 of 2016.

Fees to submit a request for reconsideration or appeal

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of DPF (Development Permit Fee) paid in respect of the original application, subject to a minimum of €150 + €50 administrative fee (LN 112 of 2016).

Submission of request for reconsideration or appeal

With regards to requests for reconsideration, Form PA 4/16 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by Article 13 of the Environment and Planning Review Tribunal Act, 2016, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.

Important Notice

In view of the provisions of Article 72(4) of the Development Planning Act (2016), a Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised.

-PACN-

Fortina Hotel –Files L601/1966, L874/1968/III/4 and L874/1968/III/5

The Fortina Hotel is built on a portion of land measuring circa 9045 square metres. A portion of circa 620m² was bought from third parties whilst the remaining land measuring circa 8425m² was bought from the Government of Malta by virtue of three deeds in the records of Notary Vincent Miceli.

- 1) Deed dated 12/06/1991- deed 228 (red 183 in L601/1966)
- 2) Deed dated 25/1/1996 - deed 22 (red 22 in file L874/1968/III/4)
- 3) Deed dated 15/02/2000 –deed 22 (red 20 in file L874/1968/III/5)

1) Deed dated 12/06/1991 (indicated as sale 552 on plan attached as doc A –file L601/1966)

By virtue of this deed Fortel Services Limited purchased 4 pieces of land

- a) 465 m² shown in red on LD321/1990 (attached as doc C)
- b) room of 23 m² at ground floor level up to the height of 11 courses underlying property of Fortel Services Limited shown in yellow on plan LD76/91 (plan in file L601/1966)
- c) airspace of land up to the road level measuring 1964m² shown in blue on LD76/91
- d) airspace of land up to 1m above existing road level measuring 1346m² shown in red on plan LD76/91

In the contract there is a restriction that said land is to be used as an extension of the Fortina Hotel, “...sabiex iservu bhala estensjoni tal-facilitajiet tal-kumpless maghruf bhala ‘Fortina Hotel’.

2) Deed dated 25/01/1996 (indicated as sale 883 on plan attached as doc A- file L874/1968/III/4)

By virtue of this deed Fortel Services Limited purchased a piece of land measuring 2992m² as shown on LD208/1995 (attached as doc D). This land was to be used exclusively as an extension of the Hotel Fortina, “... *Ghall-uzu esklussiv bhala estensjoni tal-Fortina Hotel.*”

There were also other limitations which are reproduced hereunder

“Fuq din l-art qed jingħad espressament li ma jistax isir fuqha ebda kostruzzjoni mil-livell tal-art eżistenti illum, liema livell mhux aktar għoli mill-punt ta’ triq immarkat “XX” a rigward l-art immarkata “A”, “B”, “S”, “C” u “D” u mhux aktar għoli mil-livell PQ a rigward l-art immarkata “P”, “Q”, “R”, “S”, u “B” fil-pjanta bl-eċċezzjoni għal dak li ser jingħad aktar ‘l isfel f’dan il-paragrafu u cioe’:-

- i. “Boundary wall”

- ii. *"Swimming pool" li ma tkunx iktar għolja mil-livell tat-triq PQ Immarkata fuq l-istess pjanta eċċetuati xi "copings" normali, liema swimming pool ma tistax teċċedi l-kejl ta' sebgha mija u tletin metru kwadru.*
- iii. *"Emergency exits" għall-immobbli li se jrin jinbnew taħt il-livell ta' l-art,*
- iv. *Bini għall-estensjoni tas-Sub Station tal-Enemalta,*
- v. *"Garden landscaping";*
- vi. *Toilets ta' dimensjoni ta' mhux aktar minn tletin metri kwadri,*
- vii. *Rikostruzzjoni tal-pitch tal-boċċi u kmamar li ma jeċċedux tletin metri kwadri biex iservu bħala store u toilets għall-istess pitch tal-boċċi.*

Ma jkunx jista' jsir ebda xogħol ieħor ta' bini jekk qabel ma jkunx hemm permess bil-miktub maħruġ mill-Kummissarju ta' l-Artijiet, liema permess jingħata fis-diskrezzjoni assoluta tal-Kummissarju ta' l-Artijiet, u dan jirreferi biss għal xogħol ta' bini li jsir 'il fuq mil-livell tat-triq fuq riferit u markat "XX" u mil-livell l-ieħor mogħti "PQ".

Kemm il-darba jsir xi bini jew kostruzzjoni mingħajr il-permess meħtieġ il-Gvern ikollu d-dritt jitlob ir-rexiżjoni u tħassir ta' dan il-kuntratt mingħajr ma jkun obligat li jhallas kwalunkwe kumpens għall-benefikati jew xogħolijiet li jkunuh laħqu saru fuq l-art"

In 2011, the company Fortel Services Limited (red 50 in file) requested a waiver of the conditions on part of the land marked as "A", "B", "S", "C" and "D" on the plan attached to the deed and also requested a waiver for the land to be used as 'pitch tal-boċċi' and also the restriction that the land is to be used solely for the Fortina Hotel.

Perit Schembri (minute 56) valued the condition to remove limitation on land marked "A", "B", "S", "C" and "D" (circa 1150m² out of 2992m²) at €1,000,000. Valuation was not accepted by the GPD tender committee and sent file for another valuation. Another valuation was made by Perit Schembri at €700,000 (red62). Another valuation was made by Mr James Calleja at €2.5 million euro was prepared which was accepted by the GPD tender committee. A meeting was held with an officer of GPD and it was established that Fortel would like to develop site into a boutique hotel and airspace to be retained by Government (red 74) and Perit Zammit and James Calleja will amend the estimate accordingly.

3) Deed dated 15/02/2000 (indicated as sale 1084 on plan attached as doc A- file L874/1968/III/5)

By virtue of this deed Fortel Services Limited purchased a piece of land measuring 1421m² as shown on LD170/99 (attached as doc E). This land was to be used exclusively as an extension of the Hotel Fortina , "... għall-uzu esklussiv bhala estensjoni tal-Fortina Hotel."

There was also the following restriction

2. *Il-Kumpanija ma tistax tagħmel bini,inklusa l-opramorta, aktar għoli minn disgha u ghoxrin punt decimali hamsa metri (29.5m) mill-livell tal-bahar, (mean sea level) fuq dik il-parti tas-sit hawn*

mibjugh u li fih il-kejl superficjali ta` circa disa mitt metri kwadri (900m.k.) u li huwa muri bil-kulur isfar fuq il-pjanta hawn annessa document "B", sakemm ma tottjenix permess bil-miktub minghand il-Gvern. Dan il-permess jista jigi rifjutat mill-Gvern fid-diskrezzjoni assoluta tieghu. Jekk jinghata permess m'ghandux ikun hem hlas addizzjonali favur il-Gvern ta` Malta. Ma jkun hem ebda bzonn ta` permess minghand il-Gvern kemm il-darba in-nies kollha li isimhom jidher fil-lista hawn annessa markata bhala document "C" ikunu mietu jew taw il-kunsens taghhom bil-miktub. Izda minkejja l-limitazzjoni tal-gholi tal-bini fuq imsemmi, il-gallarijiet tal-bini li l- Kumpanija tibni fuq dik il-parti tas-sit hawn mibjugh tal-kejl ta` hamsa u tletin metri kwadri u li huwa muri bil-kulur ahdar fuq l-imsemmija pjanta, jistghu jisporgu zewg metri in kwantu ghal ewwel zewg sulari il fuq mill-livell ta` disgha u ghoxrin punt decimali hamsa metri kwadri mill-livell tal-bahar, (mean sea level), u jistghu jisporgu metru punt hamsa metri in kwantu ghas-sussegwenti tlett sulari, u metru in kwantu ghas-sussegwenti sulari.

Kemm il-darba il-Kumpanija tittrasferixxi dawn il-proprietajiet, hija tobbliga ruhha li timpani din il-klawsola fil-kuntratt relattiv ta` bejgh.

In 2004, there was also a request (red 53 in file) for a waiver on part of the land. The company wanted a waiver on 850m² out of the 1421m². Said portion of 850m² was valued at Lm250000 (minute 55 in file) and was going to be done through a parliamentary resolution. (vide minute 56 in file).

Then it seems that later on a waiver was requested on an area of 577m² out of 1421m² as shown on PD2007_476. Said waiver was valued at Lm450000. Said sum was accepted by the company (red 70 in file) but there were negotiations to pay in instalments but there was a disagreement regarding the interests to be paid (red 75)

Request for waiver received in April 2017 (red 93 in file)

In 2017, Fortel Services Limited requested a waiver on an area of 1810m² out of 9045m² (out of which 8425m² is land purchased from Government).

They want a waiver

- 1) on the land measuring 706m² (out of the whole area of 1421m² shown on LD 170/99- deed Miceli 15/02/2000) – to build additional 2 floors to be uses as hotel rooms where there is a height limitation (site shown in green on plan attached to letter Notary Mangion (red 93 in file) hereby attached as Doc B
 - 2) on the land measuring 625m² (out of the area measuring 2992m² shown on LD208/95 purchased by deed Miceli 25/01/1996- site is shown in purple on said plan attached with this report as doc B). In the letter of Notary Mangion, there is quoted an area of 3010m²- to waive the limitation that the area is to be used exclusively for touristic purposes and to waive height limitation and any other restriction imposed.
- Remaining area is to be open for public use.

1A
on PD

2007-476-1

2A
in PD 2007-476-1

3) On the land measuring 565m² as shown in red on plan attached Doc B (indicated as 465 m² on deed Miceli 12/06/1991- bordered red on LD321/90)- to waive restriction that land is to be used exclusively as an extension of Fortina Hotel

3a) a waiver is also required to use the room of 23m² as shown in yellow on LD 76/91- to incorporate in public open space

Valuations quantifying the waivers requested by Fortel Services Limited- prepared by Perit Dennis Camilleri, Perit Mario Cassar, Perit Claude Mallia

One valuation is at €8,100,000

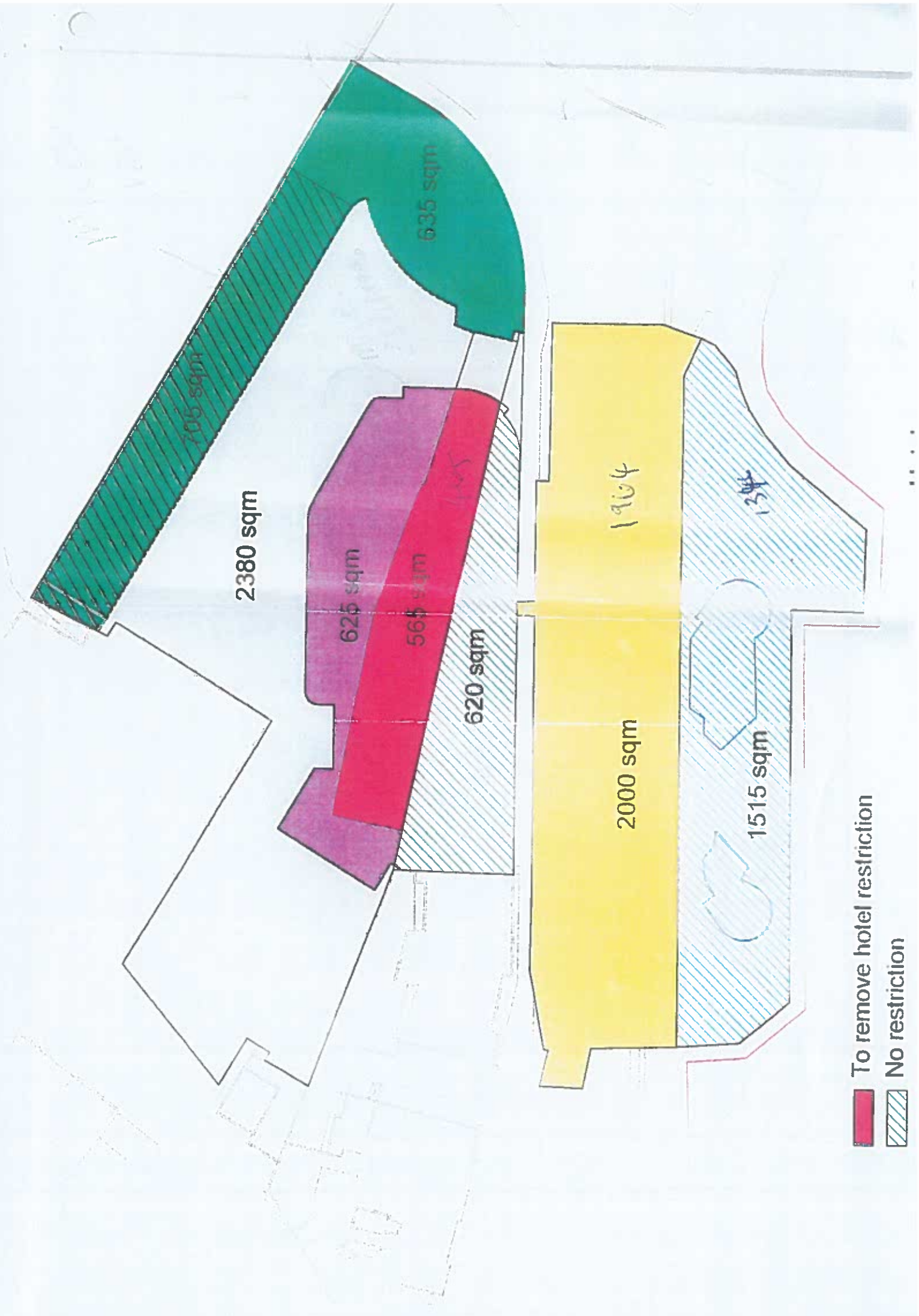
Another valuation is at €12,167,000

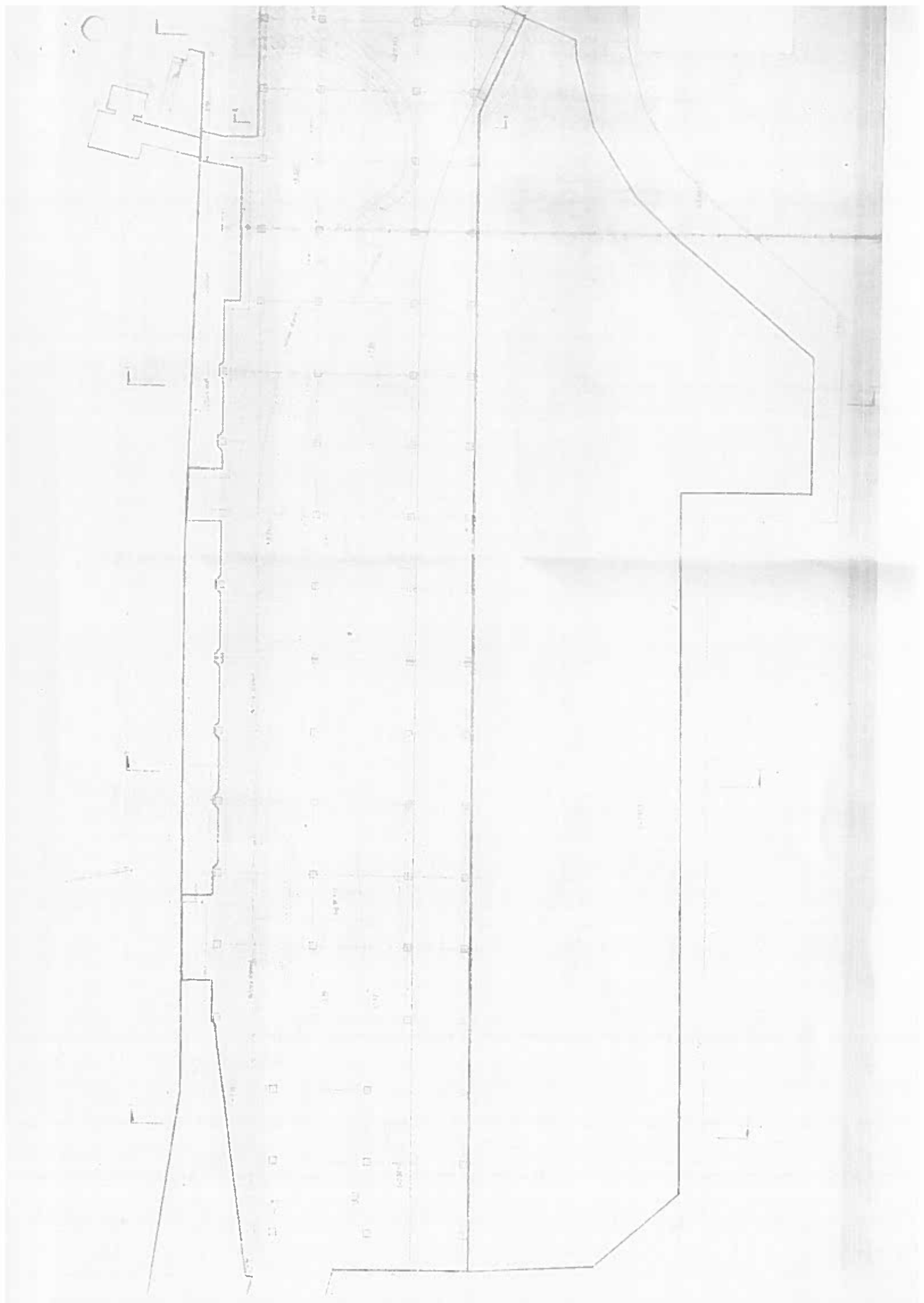
Both valuations are dated 17/10/2017. In both valuations, it is specifically stated that valuation is being made on the basis of land shown in red measuring 565m² i.e waiver nr 3 requested above. It does not seem to have taken into consideration the other 3 waivers requested by the company. This statement has to be specifically clarified with the architects

At red 97 in file L874/1968/III/5, there is another request, there is another letter sent by Notary Mangion on behalf of Fortel Services, wherein it is stated that the Planning Authority has also approved that on site there is also erected offices and commercial outlets. He requested that the lands Authority revoke the limitation imposed on the development of the portions of land already indicated as being solely for touristic purposes and approve that the same portions of land could be developed for all the development purposes in the planning authority permit attached to said letter without limitation.

It is not clear whether this letter was taken into consideration by the architects.

The difference between the area shown on plan submitted with request and the area shown on P.D 2007-476-1 resulted because plan submitted with application is not accurate while Draft P.D. 2007-476-1 was interpreted from the original plans attached to deeds.





l-kommissarju ta' Jannar elf disa mija u sitta u disghin (1996).

All His

22

High Court

Gvern

ins. 96 1 76

Rev. 10 76

Dok I

Quddiemi, Dottor Vincent Miceli, Nutar Pubbliku fid-Pubbliku fid-Dipartiment ta' l-Artijiet deheru personalment kif identifikaw ruhhom bid-dokumenti ufficcjali taht indikati:-

Adriano Gouder, bin il-mejjet Magistrat Giovanni Filiberto u l-mejta Maria Cristina nee' Tufigno mwieled il-Belt Valletta u joqghod San Giljan li ghandu l-karta ta' l-identita' b'numru 886937(M), Kummissarju ta' l-Artijiet li qed jidher fuq dan l-att fisem u ghan-nom tal-Gvern ta' Malta kif debitament awtorizzat bis-sahha ta' minuta li ggib id-data tas-seba ta' Frar elf disa mija tnejn u sittin fuq karti mmarkati Secretariat numru mitejn wiehed u erbghein ta' l-istess sena 1962, karti relattivi ghal dan l-att huma Land numru tmin mija erbgaha u sebghin zbarra tmienja u sittin Volum tlieta subfile erbgaha;

Julian u Adrian Zammit Tabona, diretturi, ulied Maurice u Theresa nee' Galea twieldu Sliema u Floriana u joqghodu Balzan u Gudja rispettivament li ghandhom il-karta ta' l-identita b'numri 661759(M) u 177752(M) li qedin jidhru fuq dan l-att fisem u ghan-nom tal-Kumpanija Fortel Services Limited hekk kif debitament awtorizzati bis-sahha ta' Board Resolution hawn anness u markata dokument ittra "A", 'il quddiem imsejha "il-kompratur".

Bis-sahha ta' dan l-att l-Kummissarju ta' l-Artijiet nomine qed ibiegh u jittrasferixxi lill-imsemmi kompratur li jaccetta, jixtri u jakkwista bicca art f'Tigne' limiti ta' tas-Sliema li fiha l-kejl ta' cirka elfejn disa mija u tnejn u disghin metri kwadri u tmiss mill-lbic in parti ma' gid tal-Gvern u n parti ma gid tal-kompratur, mix-xlokk in parti ma triq

pubblika w n parti ma gid tal-kompratur u mill-majjistral in parti ma Triq Censu Xerri u 'n parti ma gid tal-Gvern u murija bil-bordura hamra fuq pjanta Land Department numru mitejn u tmienja zbarra disgha hamsa LD 208/95 immarkata dokument "X" u tinkludi Survey Sheet.

Din l-art qiegħda tinbiegħ libera u franka u bil-"vacant possession" u qiegħda tingħata għall-uzu esklussiv bhala estensjoni tal-Fortina Hotel.

Fuq din l-art qed jingħad espressament li ma jistax isir fuqha ebda kostruzzjoni mil-livell tal-art ezistenti illum, liema livell mhux aktar għoli mill-punt ta' triq immarkat "XX" a rigward l-art immarkata "A", "B", "S", "C" u "D" u mhux aktar għoli mil-livell PQ a rigward l-art immarkata "P", "Q", "R", "S", u "B" fil-pjanta bl-eccezzjoni għal dak li ser jingħad aktar 'l isfel f'dan il-paragrafu u cioè:-

i. "Boundary wall"

ii. "Swimming pool" li ma tkunx iktar għolja mil-livell tat-triq PQ immarkata fuq l-istess pjanta eccetuati xi "copings" normali, liema swimming pool ma tistax teccedi l-kejl ta' sebgha mija u tletin metru kwadru.

iii. "Emergency exits" għall-immobbli li sejrin jinbnew taht il-livell ta' l-art,

iv. Bini għall-estensjoni tas-Sub Station tal-Enemalta,

v. "Garden landscaping";

vi. Toilets ta' dimensjoni ta mhux aktar minn tletin metri kwadri,

vii. Rikostruzzjoni tal-pitch tal-bocci u kmamar li ma

jeccedux tletin metri kwarri b'leż ikerwi b'halha sfere u
toiletts gnall-istess piteh ta' boccu.

Ma tkunx jista' jor ebda xoghor lehor ta' bini jekk
gabur ma jkun hemm permess bil-mirzab m'arug
mill-Kummissarju ta' l-Artijiet. Hemm permess
jinghata fidi-diskrezzjoni assoluta ta' Kummissarju
ta' l-Artijiet. u dan jirreferi biss ghal xoghor ta' bini li
jsir li fuq mi-livell ta' triq fuq riferit u markat "XX" u
mi-livell i-lehor mogħti "PQ".

Kemm -li darba jsir xi bini jew kostruzzjoni
minghajr il-permess meħtieġ il-Gvern ikollu d-dritt
jitiob ir-revizjoni u tħassir ta' dan il-kuntratt minghajr
ma jkun obligat li jhallas kwalunkwe kumpens
ghall-benefikati jew xoghlijiet li jkunu leħqu saru fuq
l-art.

Il-kompratur jkun jista' jagħmel xoghlijiet anke ta'
bini li jigi taħt il-livelli imsemmija.

Fuq l-art in vendita jezistu xi strutturi li l-kompratur
huwa awtorizzat li jwaqqa' u jiddemolixxi.

Dan il-bejgħ qed isir bil-prezz ta' mija u sebgha
telef Lira Maltin (LM107,000) u minnhom għa tħallset
is-somma ta' tletin elf lira (LM30,000) u l-bilanc ta
sebgha u sebghin elf Lira Maltija (LM77,000)
għandu jthallas in kwantu għal tmienja u tletin elf u
hames mitt lira fi zmien sena mid-data ta' dan il-
kuntratt u kwantu għal tmienja u tletin elf u nemes
mitt Lira fi zmien sentejn mid-data ta' dan il-kuntratt.
Fuq kull bilanc għandu jiddekorri l-imghax ta' sitta
fil-mija fis-sena a skaletta.

In garanzija ta' bilanc ta' prezz u ta' l-imghaxxijiet
relattivi l-Kummissarju ta' l-Artijiet fisem il-Gvern
qed jirrizerva favur tiegħu l-Privilegg Speċjali skond
li-ligi oltre l-ipoteka Generali fuq il-beni ta-

Kumpanija kompratrici.

Dan il-bejgh qed isir u jigi accettat taht dawn il-kundizzjonijiet:-

Il-kompratur jobbliga ruhu li josserva d-disposizzjonijiet stipulati fl-Antiquities Protection Act tal-Ligijiet ta' Malta u d-disposizzjonijiet tal-Water Services Corporation Act fejn dawn japplikaw.

Il-kompraturi jiddikjaraw li jafu li fuq l-art in vendita jezisti "pitch tal-bocci" li prezentement jigi uzat mill-pubbliku n generali bla hlas. Il-kompraturi jobbligaw ruhhom li jhallu dan il-pitch tal-bocci fejn hu jew jekk l-art li llum jokkupa dan il-pitch tkun sejra tigi

utilizzata mod iehor, jaghmlu "pitch" tal-bocci iehor tal-istess daqs u bl-istess facilitajiet, liema Pitch jkun ukoll accessibbli ghall-pubbliku in generali bla hlas. Ikun fejn ikun l-imsemmi Pitch il-kompraturi jkunu jistghu jaghmlu regolamenti u jiehu l-passi u jimplimentaw mizuri u proceduri kollha necessarji sabiex jassiguraw is-sigurta' u l-buon ordni fit-tmexxija, organizzazzjoni u attivita' ta' l-imsemmi pitch tal-bocci.

Kemm -il darba jkun jehtieg li ssir xi estensjoni ghas-Substation tal-Enemalta fuq l-art in vendita' il-kompraturi ma jkunux intitolati ghal ebda kumpens minghand il-Gvern ta' Malta.

L-ispejjes ta' dan l-att huma a karigu tal-kompratur.

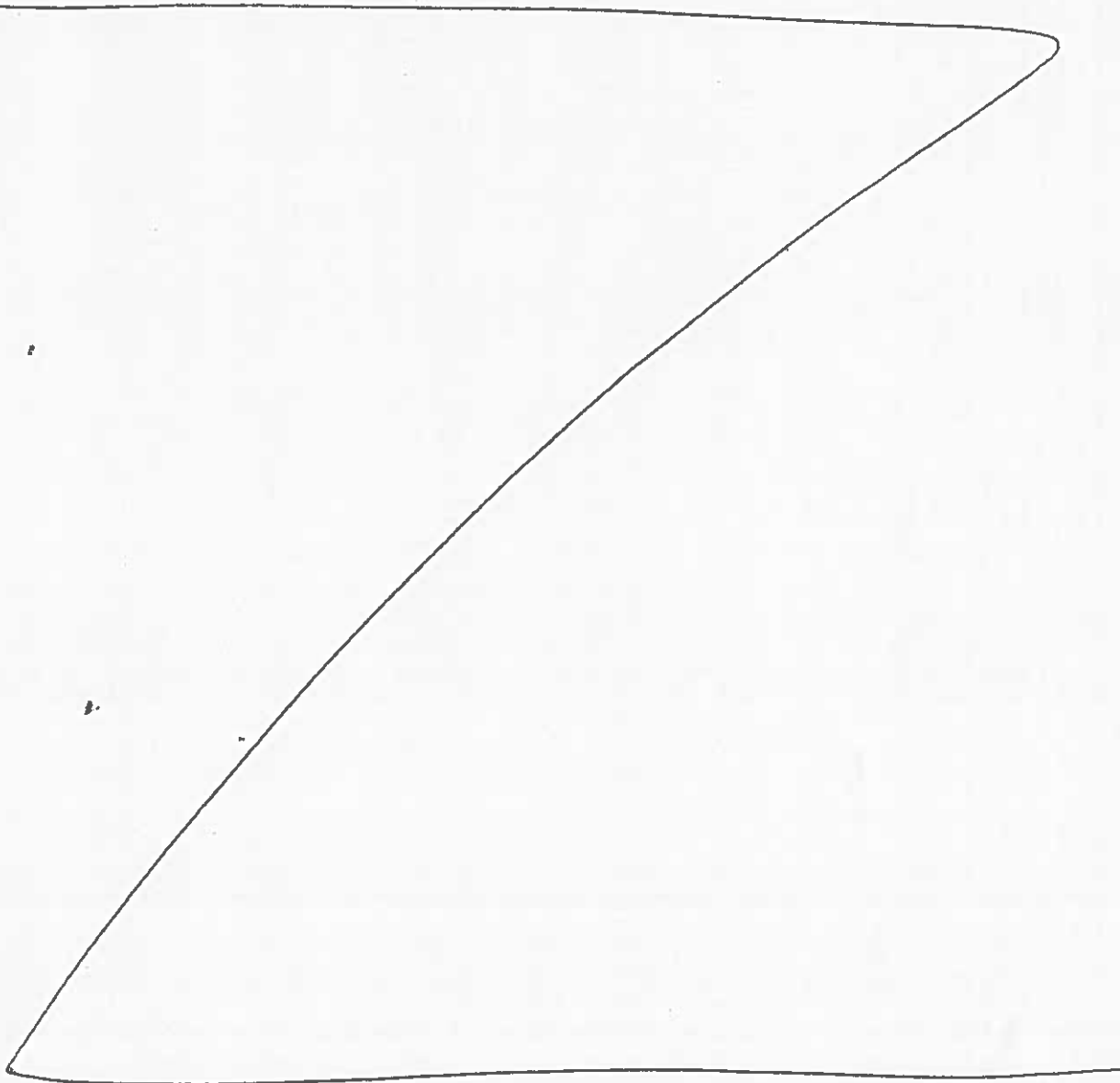
Ghall-fini ta' l-Att tas-sena elf disa mija tlieta u disghin dwar Taxxa fuq dokumenti jigi dikjarat illi t-taxxa dovuta fuq dan l-att tammonta ghal sebgha

telef ebgha mija u disghin Lira Maltija (LM7,490).

Jigi dikjarat li l-valur moghti lill-immobbli b'dan l-att mibjugh huwa gust u reali wara li jien Nutar taht iffirmat fehemt lill-partijiet dwar l-importanza ta' din id-dikjarazzjoni.

Dan l-att gie maghmul, moqri u pubblikat wara li jien Nutar taht iffirmat fissirt dak li fih lill-partijiet skond il-ligi fl-Ufficju ta' L-Artijiet bla numru f'Saint Sebastian Street, Valletta. Malta.

Ft:- Julian Zammit Tabona
Adrian Zammit Tabona
Adriano Gouder
Vincent Miceli - Nutar Pubbliku Malti fid-Dipartiment ta' l-Artijiet.



01122

Att No. 228
 Bejgh mill-
 Gvern
 Ins. 25.6.91

It-tnax (12) ta' Gunju elf disa mija u wiehed u disghin (1991).

Quddiemi, Dottor Vincent Miceli, Nutar Pubbliku fid-Dipartiment ta' l-Artijiet deheru personalment kif identifikaw ruhhom bid-dokumenti ufficcjali taht indikati:-

Adriano Gouder, bin il-mejjet Magistrat Giovanni Filiberto u l-mejta Maria Cristina nee' Tufigno mwieled il-Belt Valletta u joqghod San Giljan li ghandu l-karta ta' l-identita' b'numru 886937(M), Kummissarju ta' l-Artijiet li qed jidher fuq dan l-att f'isem u ghan-nom tal-Gvern ta' Malta kif debitament awtorizzat bis-sahha ta' minuta li ggib id-data tas-seba ta' Frar elf disa mija tnejn u sittin fuq karti mmarkati Secretariat numru mitejn wiehed u erbghin ta' l-istess sena 1962, karti relattivi ghal dan l-att huma Land numru sitt mija u wiehed zbarra sitta u sittin, aktar il-quddiem imsejjah bhala "il-Gvern ta Malta";

Michael Zammit Tabona, company director u Adrian Zammit Tabona company director, ahwa ulied Maurice u Teresa nee' Galea twieldu Floriana u joqghod Naxxar u San Giljan rispettivament li ghandhom il-karta ta l-identita b'numru 465150(M) 177752(M) li qedin jidhru fuq dan l-att f'isem u ghan-nom ta' Fortel Services Limited hekk kif debitament awtorizzati skond l-Articles of Memorandum tal-istess Kumpanija 'il quddiem imsejjah "il-kompratur".

Bis-sahha ta' dan l-att l- Kummissarju ta' l-Artijiet nomine qed ibiegh u jittrasferixxi lill-imsemmija ahwa Zammit Tabona nomine li jaccetta, jixtri

u jakkwista l-immobbli segwenti f'tas-Sliema u cioe:-

165
(a) l-art tal-kejl ta' cirka erbgħa mija u hamsa u sittin metri kwadri konfinanti mill-lbic ma gid tal-kompratur u mill-irjeh l-ohra ma gid tal-Gvern inkuz tramuntana sal-fence ezistenti kif indikat fil-pjanta u murija bil-bordura hamra fuq pjanta Land Department numru tlett mija wiehed u ghoxrin zbarra disghin li kopja tagħha geda tigi hawn annessa markata bl-ittra "X" u kif identifikata fuq Survey Sheet inserita fl-istess pjanta L.D. 321/90.

Kamra
(b) kamra fil-pjan terren sa gholi ta' hdx il-filata tal-kejl ta' cirka tlieta u ghoxrin metri kwadri u tmiss minn nofsinħar mat-triq lvant ma' proprjeta' tal-Gvern u punent ma' proprjeta' tal-kompraturi u murija bil-bordura safra fuq pjanta Land Department sitta u sebghin zbarra wiehed u disghin li kopja tagħha qed tigi hawn annessa għar-registrazzjoni u kif identifikata fuq Survey Sheet in serita fl-istess Pjanta LD 76/91. Din il-kamra hija sottoposta għal proprjeta' tal-kompraturi.

1964m
(c) l-arja ta' l-art sal-gholi ta' taht il-livell tat-triq tal-kejl ta' cirka elf disa mija u erbgħa u sittin metri kwadri konfinanti minn nofsinħar mal-bicca art taht deskritta u mit-tramuntana in parti ma gid tal-Gvern u n parti ma gid tal-kompratur u mill-lvant u punent ma gid tal-Gvern u murija bil-bordura blu fuq l-imsemmija pjanta LD 76/91 u kif identifikat fuq Survey Sheet inserita fl-istess Pjanta LD 76/91, hekk kif soggetta għad-dritt favur il-Gvern jew korpi parastatali jew successuri li jghaddu servizzi necessarji mill-imsemmija arja.

(d) l-arja ta' l-art u dana sal-gholi ta' metru 'l fuq mil-livell tat-triq ezistenti tal-kejl ta' cirka elf tlett mija u sitta u erbgħin metru

1346

kwadru u tmiss mit-tramuntana mal bicca art deskritta taht paragrafu (c) u mill-irjiegħ l-oħra ma xatt il-Bahar u murija bil-bordura hamra fuq l-imsemmija pjanta LD 76/91.

Dan il-bejgħ qed isir bil-prezz ta' mija u għaxar telef Lira Maltija (LM110,000) mill-liema prezz il-kompratur qiegħed iħallas is-somma ta tletin elf Lira Maltija (LM30,000) lill-Kummissarju ta' l-Artijiet nomine u li tagħha qiegħda tingħata ricevuta, u l-bilanc ta tmenin elf Lira Maltija (LM80,000) għandu jithallas mill-kompratur fi zmien tlett snin mill-lum n kwantu għall tletin elf Lira Maltija sa sena mil-lum, tletin elf Lira Maltija oħra sa sentejn mil-lum u l-bilanc ta' għoxrin elf Lira Maltija sa tlett snin mil-lum bl-imghax ta' sitta fil-mija fis-sena a skaletta.

In garanzija tal-ħlas tal-bilanc tal-prezz u tal-imghaxxijiet relattivi il-kompratur qiegħed jipoteka a favur il-venditur li jaccetta il-beni kollha tiegħu n generali u oħre dan il-venditur qiegħed jirrizerva favur tiegħu l-privilegg speċjali lilu spettanti skond il-ligi.

L-immobbli mibjugħa n forza ta' dan l-att gew trasferiti sabiex iservu bhala estensjoni tal-facilitajiet tal-kumpless mgharuf bhala "Fortina Hotel".

Dan il-bejgħ qed isir u jigi accettat taht dawn il-kundizzjonijiet:-

Il-kompratur jobbliga ruħu li josserva d-disposizzjonijiet stipulati fl-Antiquities Protection Act tal-Ligi ta' Malta u d-disposizzjonijiet tal-Underground Water Ordinance fejn dawn japplikaw.

L-ispejjes ta' dan l-att huma a karigu tal-kompratur.

01125

Ghall-fini ta' l-Att tas-sena elf disa mija wiehed u tmenin dwar Taxxa fuq dokumenti jigi dikjarat illi t-taxxa dovuta fuq dan l-att tammonta ghal tlett elef tmin mija u hamsa u sittin Lira Maltija (LM3865).

Dan l-att gie maghmul, moqri u pubblikat wara li jien Nutar taht iffir-mat fissirt dak li fih lill-partijiet skond il-ligi fl-Ufficcju ta' l-Artijiet, Auberge De Baviere, bla numru, Saint Sebastian Street, Valletta, Malta.

Ft:- Michael Zammit Tabona
Adrian Zammit Tabona
Adriano Gouder
Vincent Miceli - Nutar pub-
bliku Malti fid-dipartiment tal-Artijiet

'e' doc Attached (22)
to deed niceli
new list
'F'
15/2/2000

CHARLES TONNA - I.D. NO. 1011845(M)
HELEN TONNA - I.D. NO. 740349 (M)

'De Sain Court' Flat 4 Triq it-Tamal, The Gardens, St Julians

ALFRED COLEIRO - I.D. NO. 25044(M)
MARLENE COLEIRO - I.D. NO. 351145(M)

'E'

Flat 7 Block A Fingest House New Street Off Tower Street, Msida

JOSEPH KITCHER - I.D. NO. 318345(M)
JESSIE KITCHER - I.D. NO. 838847(M)

'B'

'Holly' Triq ir-Ratal, Swieqi

ANTHONY GRECH - I.D. NO. 1059748(M)
MADELEINE GRECH - I.D. NO. 2762(A)

'H'

Flat 3 Block 19 Sir Dingli Street, Sliema

ANGELO MUSCAT - I.D. NO. 329535(M)

'A'

Flat 8 Block A Fingest House New Street Off Tower Street, Msida

PAUL ZAMMIT - I.D. NO. 924749(M)
JUDITH ZAMMIT - I.D. NO. 348652(M)

'C'

Flat 4 Block A 'Romantika' Sacred Heart Avenue, St Julians

MARY ZAMMIT - I.D. NO. 33849(M)

'G'

Block E5 Flat 3 Housing Estate, Ta' Xbiex

PETER TURNER - I.D. NO. 376351(M)
MARIA DOLORES TURNER - I.D. NO. 239253(M)

'D'

'Gardenia' 21st September Avenue, Naxxar

JOHN PACE - I.D. NO. 383836(M)
RHODA PACE - I.D. NO. 01767(A)

'T'

In the case of John Pace, the address will be communicated in due course.

John Pace - 2914, Brian Flats, Lyuze
Howard Street, Geneva.

Q.ans.

J. P. Pace

M. M. M.



APPLICATION REPORT

100

Report Date:	04/02/2019	Reference:	L 874/68/III/5
Application No:	n/a	Date Received:	25/10/2018
Request Details:	Request for the removal of certain conditions in deeds 228/16 dated 12/06/91, 22/96 dated 25/1/96 and deed 22/2000 dated 15/02/2000, all in the records of Notary Dr. Vince Miceli. See also status report at red 98.	Request Type:	Request for the removal of conditions in deeds.
File Name:	Request by Fortel Services Ltd. for land adjacent to Hotel Fortina	File No:	L 874/68/III/5

Applicant Details:	Notary Charles Mangion obo Fortel Services Ltd.
Location:	Hotel Fortina, Sliema
Documents submitted:	Letter (red 93), and status report (red 93A).

Case officers report:

Site Description	The requested changes in deed are within property presently part of the Fortina Hotel which was sold by Government to be used as a hotel.
Site Constraints	As per certain conditions in deeds.
Site History	Whole site was sold by Government by virtue of three deeds as mentioned above. Site is subject to certain conditions as per same deeds.
Policy Context	IN TERMS OF ARTICLE 31 (e) i and ii OF CHAPTER 573 OF THE LAWS OF MALTA.
External Consultants	
Valuation	Valuation report dated 17/10/2017 by Periti Denis Camilleri, Mario Cassar, and Claude Mallia, valued the removal of these conditions at €8,100,000 (red 96). The owners of the Fortina Hotel do not agree with this valuation and have produced valuation at red 99. They valued the removal of the conditions at €2,721,506.
CAO Comments	No CAO comments were required at this stage
Conclusion	Since in past similar cases, changes in conditions in emphyteutical grants were decided through a Parliamentary Resolution, and since these sites were disposed of through a parliamentary Resolution, the same method should be applied in this case.
Recommendations Grant: (list any conditions) Refuse: (Supply supporting reasons)	After reviewing the case, and after taking into consideration similar cases relating to the determination of the values in such cases, the Board may wish to decide whether the Lands Authority is to seek the advice of an auditing company to be consonant with such similar cases.

Address:
Azzoppe Street
St. Sebastian Street
Valletta VLT 2000

Prepared By:

Submitted By:

Telephone:
+356 2132 4013/7

E-mail:
info@landsauthority.org.mt



LANDS
Authority

Report Date:	23/11/2018	Reference:	L 874/68/III/5
Application No:	Letter in file L874/68/III/5 (red 93)	Date Received:	3/04/2017
Request Details:	Request by Fortel Services Ltd. Requesting the change of certain conditions in the deed by which they had acquired property from Government.	Request Type:	REQUEST for changes in conditions in deeds.
File Name:	Request by Fortel Services Ltd. for land adjacent to Hotel Fortina	File No:	L 874/68/III/5

Board Decision	
Supporting Reasons (if applicable)	
Decision date:	
Updates to Board Memo (if applicable)	
Revised Board Decision (if applicable)	
Revised Decision date:	

Concluded By:

Chairman

Address:

Albergo di Flavio C.
St. Sebastiano, 10
Vallena VLT 2030

Telephone:

+356 2122 4015/7

E-mail:

info@landsauthority.org.mt

www.landsauthority.org.mt



**L-EWWEL PARTI TAL- MINUTI
TMENIN SEDUTA**

TAL-BORD TAL-GVERNATURI TAL-AWTORITÀ TAL-ARTIJET

**MIŻMUMA NHAR L-ĠIMGĦA 08 TA' FRAR 2019 Fit-08:30 A.M.
FIL-BERĠA TAL-BAVIERA, VALLETTA**

PREŻENTI:

L-Imħallef Carmelo Farrugia Sacco	Chairperson	CFS
L-Avukat John Vassallo	Vice-Chariperson	JV
L-Avukat Maria Cardona	Membru	MC
L-Onorevoli Ryan Callus	Membru	RC
L-Onorevoli Alex Muscat	Membru	AM
Is-Sur Paul Mifsud	Membru	PM

L-Perit Joseph Scalpello, L-Perit Michelle Piccinino bagħat jiskuzaw ruħhom.

Dr. Anita Giordimaina – Segretarja tal-Bord

1. Fortina

597/2019

LFS irreleva li r-resumee' ta' Dr. Marisa Grech fejn hi elenkat il-case history ġie riċevut. RC qed jistaqsi jekk abbażi tal-fatt li ġia għandna stima u ser tintalab stima ġdida hux intenzjonata sabiex tiġi ridotta l-istima. F'dan l-istadju l-Bord iddecieda li jgħaddi l-file original lil ditta t'Awdituri li fiha jindika b'mod specjali li kien hemm talba tal-Fortel Group Ltd , segwita b'talba oħra u li apparti d-dokumenti li jinstabu fil-proċess u importanti li wiehed jara l-istima tat-tlett Periti Camilleri, Cassar u Mallia (iż-żewġ valutazzjonijiet magħmula) ir-rapport sussegwenti ta' Marisa Grech (inkluż) u ta' Mr. Charles Camilleri. Id-ditta tal-Awdituri għandha mhux biss tqis il-valur tal-propjeta' iżda wkoll tagħti valur finali għat-tneħħija tal-kundizzjoni fuq parti mill-art, kif mitluba meta wiehed iqis il-permess u valuri odjerni. Din il-proċedura qiegħda tiġi segwita in konformita ma' dak li ġie segwit ma' każijiet simili eżaminati mill-Bord. Il-file għandu jiġi mgħoddi lil Awdituri b'eskluzzjoni tar-rapport tad-Deloitte.

Ic-Chairman qed jiġi mistoqsi sabiex inehħi r-rapport ta' Deloitte u f'każ ta' domanda tal-Awdituri jirrispondi li dak id-dokument (ir-rapport ta' Deloitte f'R99) mhux dispot għalihom.

Id-Ditta tal-Awdituri hija awtorizzata tkellem lil persuni hawn fuq indikati. Id-ditta tal-Awdituri għandha tkun Grant Thornton. RC ma jaqbilx għal fatt li huma l-awdituri tal-Awtorita' u għallura ma jhossx li għandhom jiġu nvoluti f'dawn it-tip ta' każijiet

Dr. Anita Giordimaina LL.D
Board Secretary - Chairman's Office
Lands Authority