

214. Is-Segretarju Parlamentari responsabbli mill-Ippjanar u s-Simplifikazzjoni Amministrattiva, l-Onor Michael Falzon, f'isem il-Prim Ministru jipproponi illi l-Kamra tad-Deputati tapprova din ir-Rizoluzzjoni:

Billi hija l-politika tal-Gvern li jippromwovi u jsaħħah ir-relazzjonijiet storiċi, internazzjonali, politiċi u ekonomiċi mal-Gvern tar-Repubblika tal-Poplu taċ-Ċina, qiegħed jiddisponi b'titlu ta' bejgħ il-porzjon ta' art ta' *circa* 19,115 metri kwadri f'Pembroke, hekk kif deskritta aħjar fl-abbozz ta' ftehim imqiegħed fuq il-Mejda tal-Kamra tad-Deputati u taħt il-kundizzjonijiet li jinsabu fl-istess abbozz;

Illi din il-porzjon ta' art ser tintuża unikament u esklussivament sabiex tinbena u tintuża bħala l-Ambaxxata tar-Repubblika tal-Poplu taċ-Ċina f'Malta;

U billi huwa maħsub fil-paragrafu (d) tas-sub-artikolu (1) tal-artikolu 3 tal-Kapitolu 268, Att dwar it-Trasferiment ta' Artijiet tal-Gvern, li art li tkun proprjetà tal-Gvern jew amministrata minnu tista' tiġi trasferita skont Rizoluzzjoni speċjali tal-Kamra tad-Deputati li tkun fis-seħħ fil-waqt tat-trasferiment;

U billi huwa xieraq li t-trasferiment fuq imsemmi jsir skont Rizoluzzjoni speċjali tal-Kamra tad-Deputati;

Għalhekk huwa b'dan rizzolut illi l-porzjon ta' art ta' *circa* 19,115 metri kwadri f'Pembroke, kif deskritta aħjar fl-abbozz tal-ftehim li jinsab fuq il-Mejda tal-Kamra tad-Deputati tiġi trasferita b'titlu ta' bejgħ lill-Gvern tar-Repubblika tal-Poplu taċ-Ċina, għall-iskop u skont il-pattijiet u kundizzjonijiet imsemmija fl-istess abbozz.

04.02.15

DRAFT DEED

Before me, Doctor of Laws Anthony Hili, Notary Public in the Government Property Division, duly admitted and sworn, have personally appeared and identified themselves, in accordance to law, by means of the hereunder mentioned official documents:

Of the first part:

Doctor of Laws Joseph Bugeja, Commissioner of Land, son of the late George and the late Philippa nee' Carabott, born in Attard on the twenty-third (23rd) of April of the year one thousand nine hundred and sixty nine (1969), and residing at Tarxien, holder of identity card number 81569(M), who is appearing on this deed for and on behalf of the **Government of Malta** and the **Government Property Department** as duly authorized by virtue of Government Notice numbered four hundred and sixty three (463) published in the Government Gazette of the sixth (6th) December of the year two thousand and thirteen (2013) and Government Notice numbered hundred and one (101) published in the Government Gazette of the twenty-eighth (28th) January two thousand and fourteen (2014), hereinafter referred to as "**the Vendor**". The related papers in respect of this present deed are Land number two hundred and eighty five of the year two thousand and seven (L285/2007).

Of the second part:

_____, who is appearing hereon for and on behalf of the Government of the People's Republic of China, duly authorized by virtue of _____, a copy of which is hereby annexed to this deed and marked document "A", hereinafter referred to as "**the Purchaser**".

In virtue of this deed, the Vendor hereby sells, transfers and conveys unto the Purchaser who accepts, purchases and acquires the site in Suffolk Street, Pembroke, having an area of approximately nineteen thousand one hundred and fifteen square metres (19,115m²) bounded from the west with the said street and from all other sides with

property of the Government of Malta, hereinafter referred to as **"the Property"**.

The immovable sold by virtue of this deed is shown bordered in red on the plan marked Property Drawing number two thousand and fourteen underscore eighty one (P.D. 2014_81), herewith attached as Document "B".

The Property is being sold free and unencumbered, not subject to any servitude or easement, with vacant possession and free from any occupation in favour of the Vendor or third parties.

The Vendor declares that there are no privileges or special hypothecs encumbering the Property.

The Property is being sold with all its rights and appurtenances, including rights of sale and transfer, use and development rights.

This sale is being made and accepted under the following conditions, namely:-

1. For the agreed price of seven million, eight hundred and eighty thousand Euros, (€7,880,000), which price is hereby being paid by the Purchaser to the Vendor, who declares to receive same and leaves full receipt for the purchase price.
2. The Property is being sold on condition that it is to be used solely and exclusively for the building thereon of premises to be used as the Embassy of the People's Republic of China in Malta. If the Purchaser at any time decides to transfer the Property or part thereof to third parties under any title whatsoever, the Vendor shall have the right of first refusal to re-purchase the Property or part thereof from the Purchaser at the then fair market value. The fair market value shall be established by agreement or in default of same, within two months, by a board consisting of an architect appointed by the Purchaser, an architect appointed by the Vendor and a third architect appointed jointly by the parties. In default thereof the third member shall be the President of the Chamber of Architects. The terms of sale shall be at least as favourable as those available to other parties.

3. The Vendor hereby warrants valid title at law, real enjoyment and peaceful possession according to law.

For the purposes of the Land Registry Act (Chapter Two Hundred and Ninety Six (296) of the Laws of Malta), it is hereby being declared that the Property is registered at the Land Registry in the name of the Vendor by title number _____, herewith attached as document "C". The relative property dealings will take place subsequent to this contract in accordance with the procedures established by law.

For the purposes of the Duty on Documents and Transfers Act it is hereby being declared that no duty is due on this deed since the Purchaser is exempted under Article twenty three of the Vienna Convention on Diplomatic Relations of the year one thousand nine hundred and sixty one.

For the purposes of the Income Tax Management Act of the year one thousand nine hundred and ninety four (1994) [Chapter One Hundred and Twenty Three (123) of the Laws of Malta] I, the undersigned Notary do hereby declare that no Capital Gains Tax is due by the Government as Government is exempt from the payment of Capital Gains Tax.

For the purposes of Chapter two hundred and forty-six (246) of the Laws of Malta, the Immovable Property (Acquisition by Non-Residents) Act, it is hereby being declared that this deed is being published in accordance with permit number _____ issued on the _____, hereby annexed and marked document "D".

The Purchaser is exempted from the payment of public registry, land registry and notarial fees in connection with this deed.

For the purposes of sub article twelve (12) of article five capital A (5A) of the Income Tax Act, the parties declare that they have declared to the undersigned notary all the facts that determine if the transfer is one to which article 5A applies and that are relevant for ascertaining the proper amount of tax chargeable or any exemption, including the value which, in their opinion, reasonably reflects the market value of the said property, if this value is higher than the consideration for the transfer. The parties make such declaration after the undersigned

notary warned them about the importance of the truthfulness of this declaration of theirs.

I, the undersigned Notary declare to have explained to the parties the importance of the veracity of their declarations in respect of the value of the Property.

For the purpose of the second proviso to Sub-Article five (5) of Article eighty four letter C (84C) of the Notarial Profession and Notarial Archives Act, it is being declared that paragraph letter 'd' of the regulation number four (4) of the Legal Notice regarding the 'Examination of Title Regulations', the Notary is exempt '*ipso iure*' from examining the title with regards to the immovable property being acquired by means of this deed and the Purchaser declares that I the undersigned Notary explained to them the importance and consequences of such exemption.

This transfer has been authorized by the House of Representatives on the _____, sitting number _____.

This deed has been done, read and published after I the undersigned Notary explained the contents hereof to the parties hereto according to law in Malta _____