

AGREEMENT LETTER

(Consent by Lessee for Government Access and Resumption - 'Api ko Tau, Ma'ufanga)

Date: 05 / 11 / 2025

To: Mr. Tanniela Kala
The Chief Executive Officer
Ministry of Lands, Survey, Planning and Natural Resources
15 Railway Road, Nuku'alofa, Tonga

Subject: Consent by Lessee - 'Api ko Tau, Ma'ufanga

1. Background

This Agreement is made between the Government of the Kingdom of Tonga and **PACIFIC CAPITAL INDUSTRIES LIMITED (LC9006118)**, a locally registered company under the *Companies Act 1995*, whose registered office is located at Ma'ufanga, Nuku'alofa, Tongatapu.

The Lessee is currently in lawful occupation of a portion of land known as 'Api ko Tau, Ma'ufanga, held under lease from the Landholder (Lessor), the Estate of the late Selevasio Fauolo.

The Government, through the Ministry of Infrastructure and the Ministry of Lands, Survey, Planning and Natural Resources, has identified part of the said land as required for the Bridge Development Project, a work for public purpose under the *Land Act*.

2. Purpose of this Agreement

The purpose of this Agreement is to formalize the Lessee's consent for Government access, survey, and construction works on the said portion of land, pending the completion of statutory resumption and compensation procedures.

3. Terms and Conditions

1. The Lessee grants the Government and its authorized representatives temporary access and occupation rights to the affected land for the purpose of project implementation.
2. This Agreement does not constitute a transfer or surrender of the Lessee's leasehold rights until final compensation and resumption procedures are completed under the *Land Act (Cap. 132)*.

3. Any buildings, structures, or improvements constructed and maintained by the Lessee shall be recognized in the valuation and compensation process.
4. The Government shall carry out construction activities with due care to minimize damage to unaffected property and to ensure safety and environmental compliance.
5. Both parties agree to maintain good faith and cooperation throughout the resumption and compensation process.
6. This Agreement remains effective until the formal completion of the acquisition and the settlement of compensation approved by Cabinet.

4. Confirmation of Agreement

Both parties acknowledge and agree to the terms stated above.

For and on behalf of PACIFIC CAPITAL INDUSTRIES LIMITED (Lessee)

Name: Mrs. Katalaine Mo

Position: Director / Sole Shareholder

Signature: _____

Date: 05.11.2025

Witness: _____

05/11/25

(S. H. Pemohenga)

For and on behalf of the Government of Tonga

Name: TAAMELA KULA

Position: CEO

Ministry of Lands, Survey, Planning and Natural Resources

Signature: _____

Date: 5/11/25

