

Advisory Clauses

- (a) Prior planning permission should have been obtained before commencing the proposed use at the application premises.
- (b) To apply to the Lands Department (LandsD) for a waiver for the approved use. However, there is no guarantee that such application will be approved. If it is approved by LandsD acting in its capacity as the landlord at its absolute discretion, it will be subject to such terms and conditions including, among others, payment of fees, as may be imposed by LandsD.
- (c) To note the comments of the Director of Fire Services that fire service installations and equipment shall be provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Means of escape separated from the industrial portion should be available for the subject unit. Regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority. The applicant’s attention is drawn to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises”.
- (d) To note the comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department that the proposed change in use/alterations and additions works at the Premises under application shall in all aspects comply with the Buildings Ordinance (BO) and its allied regulations. The applicant is advised to engage an Authorised Person to assess the feasibility of the proposal and implement the proposed change in use/alterations and additions works in compliance with the BO, including but not limited to:
 - (i) adequate means of escape should be provided to the subject Premises and remaining portion of the Premises in accordance with regulation 41(1) of the Building (Planning) Regulations (B(P)R) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - (ii) access and facilities for persons with a disability should be provided in accordance with regulation 72 of the B(P)R and Design Manual: Barrier Free Access 2008; and
 - (iii) the subject Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to regulation 90 of the Building (Construction) Regulations and the FS Code.

The granting of any planning approval should not be construed as an acceptance of any unauthorised building works (UBW) on the subject Premises under the BO. Enforcement action may be taken by the Building Authority to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary.