

Advisory clauses

- (a) Prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments from the District Lands Officer/Kowloon East, Lands Department (LandsD) that the ‘Shop and Services’ use would be in conflict with the lease conditions. If the planning application is approved by the Town Planning Board (the Board), the applicant shall apply to LandsD for waiver/lease modification to implement the proposal. However, there is no guarantee that the waiver/lease modification will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee/premium and administrative fee as may be imposed by LandsD. Approval by the Board shall not prejudice the government’s right to take enforcement action against any breach identified at the Premises. Upon receipt of the application of waiver/lease modification, if applied by the owner of the Premises, he is required to prove his ownership and demonstrate the dimensions and calculation of the floor area in all respect to the satisfaction of LandsD;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that All building works/ change in use are subject to compliance with the Buildings Ordinance (BO). The applicant is advised to appoint an Authorised Person to submit building plans for the proposed change in use and/or alterations and additions works to demonstrate compliance with the BO, in particular, adequate means of escape should be provided to the Premises in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings (FS Code); the Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and FS Code; access and facilities for persons with a disability including accessible toilet should be provided to the Premises in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and adequate sanitary fitments should be provided to the Premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Detailed comments under the BO can only be provided at the building plan submission stage. For unauthorized building works (UBW) erected on leased land/private buildings (if any), enforcement action may be taken by the Building Authority (BA) to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO. The applicant’s attention should be drawn to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA has no powers to give retrospective approval or consent for any UBW;
- (d) to note the comments of the Director of Fire Services that fire service installations and equipment shall be provided to the satisfaction of 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 Premises. The applicant is reminded to comply with the FS Code which is administered by the BA. 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; and

- (e) to note the comments of the Commissioner for Transport that he has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development.