

Previous Applications
(at Flat D1B (Portion), G/F, Garment Centre)

Approved Applications

<u>Application No.</u>	<u>Zoning on OZP</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Approval Condition(s)</u>
A/K5/586	“OU(B)”	Proposed Shop and Services (Oxygen Inhalation Centre)	13.5.2005	1, 2
A/K5/677	“OU(B)”	Proposed Shop and Services	4.9.2009	3, 4
A/K5/732	“OU(B)1”	Shop and Services	3.5.2013	3, 4
A/K5/777	“OU(B)1”	Shop and Services (Real Estate Agency)	10.6.2016 (Revoked on 10.3.2017)	4, 5
A/K5/781	“OU(B)1”	Shop and Services (Real Estate Agency)	14.7.2017 (Revoked on 14.1.2018)	4, 6, 7

Approval Conditions:

1. The provision of fire service installations.
2. Time clause.
3. The submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises before operation of the use.
4. Revocation clause.
5. The submission and implementation of fire safety measures, including the provision of the fire service installations and water supplies for firefighting in the premises and means of escape completely separated from the industrial portion by 10.12.2016.
6. The submission of fire safety measures, including the provision of the fire service installations and water supplies for firefighting in the premises and means of escape completely separated from the industrial portion by 14.10.2017.
7. The implementation of fire safety measures, including the provision of the fire service installations and water supplies for firefighting in the premises and means of escape completely separated from the industrial portion by 14.1.2018.

Rejected Applications

<u>Application No.</u>	<u>Zoning on OZP</u>	<u>Proposed Development</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Main Reason(s) for Rejection</u>
A/K5/581	“OU(B)”	Proposed Shop and Services (Retail Shop)	25.1.2005	1

Main Reasons for Rejection:

1. The application area had exceeded the permissible limit of 460 m² of aggregate commercial area on G/F for an industrial building with sprinkler.

Recommended Advisory Clauses

- (a) Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application.
- (b) To note the comments of the District Lands Office/Kowloon West, Lands Department (LandsD) that the waiver application is pending the approval of the planning application by the Board. However, there is no guarantee that the approval will be given. If the application is approved by LandsD acting in the capacity as the private landlord at its sole discretion, it will be subject to payment of waiver fee and imposition of other terms as may be appropriate.
- (c) To note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that:
- (i) Under section 14(1) of the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulations;
- (ii) The applicant is advised to appoint an Authorized Person (AP) to check and ensure the following are in compliance with the BO and its allied regulations:
- adequate means of escape and fire resisting construction should be provided in accordance with the Building (Planning) Regulation 41(1) and Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008; and
 - provision of adequate sanitary fitments in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation.
- (iii) The use of the application premises as shown on the approved G/F plan dated 7 January 1980 is “workshop”. Alterations and Additions plans were approved on 13 June 2013 for changing portion of G/F to shops including the area of the subject premises. Consent to commence works was also granted on 13 June 2013. However, no notice of commencement of works has been received.
- (d) To note the comments of the Commissioner for Transport (C for T) that she has the right 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.

- (e) To note the comments of the Director of Fire Services (D of FS) that regarding matters related to fire resisting construction of the premises, the applicant is reminded to comply with “*Code of Practice for Fire Safety in Building*” which is administered by the Building Authority. The applicant’s attention is drawn to “*Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises*” if the application is approved.