

Appendix III

Response to Comments from other Government Departments

<i>Comments from Home Affairs Department dated 21.1.2025 (Contact Person: Ms Bonnie Ho, tel.: [REDACTED])</i>	<i>Our Response to Comments from Home Affairs Department</i>
<i>WTSDO has no adverse view on the captioned proposal from the home affairs perspective as it is expected to bring benefit to the surrounding neighbourhood. We will defer to the relevant departments to assess the proposal in respect of planning requirements and development needs. Thank you.</i>	Noted.
<i>Comments from Hong Kong Police Force dated 24.1.2025 (Contact Person: Ms LAW Yi-lam, Sylvia, tel.: [REDACTED])</i>	<i>Our Response to Comments from Hong Kong Police Force</i>
No comment at this stage. Thank you.	Noted.
<i>Comments from Highways Department dated 24.1.2025 (Contact Person: Jenny LI, tel.: [REDACTED])</i>	<i>Our Response to Comments from Highways Department</i>
No comment on the application.	Noted.

<i>Comments from Water Services Department dated 4.2.2025 (Contact Person: Ms. Ruby Hu, tel.: [REDACTED])</i>	<i>Our Response to Comments from Water Services Department</i>
<i>No comment on the application.</i>	Noted.
<i>Comments from Food and Environmental Hygiene Department dated 3.2.2025 (Contact Person: Kate TSE, tel.: [REDACTED])</i>	<i>Our Response to Comments from Food and Environmental Hygiene Department</i>
<p><i>i. Proper licence / permit issued by this Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and</i></p> <p><i>ii. The operation of the business should not cause any environmental nuisances and/or hygiene problems at the application site and its vicinities. The operator of the site is responsible for the removal and disposal of any trade waste generated from the commercial activities at their expenses.</i></p>	Noted. Please be clarified that the proposed development shall not involve 'Eating Place' use.

<i>Comments from Environmental Protection Department dated 5.2.2025 (Contact Person: Alice, tel.: [REDACTED])</i>	<i>Our Response to Comments from Environmental Protection Department</i>
<p><i>I refer to your email dated 20 January 2025 enclosing the s.16 planning application for the proposed "Shop and Services" use (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom) at the subject Premises within an area zoned "Other Specified Uses" annotated "Business" ("OU(B)") on the approved Ts Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/31.</i></p> <p><i>In view of the nature and scope of the proposed use, adverse environmental impact is not anticipated. It is noted that fast food counter will be provided. The applicant is reminded to ensure compliance with the requirements of relevant pollution control ordinances and guidelines, particularly the best practical control measures as set out in the "Control of Oily Fume and Cooking Odour from Restaurants and Food Business" in the link below to minimize the oily fume and cooking odour emission.</i></p>	<p>Noted. Please be clarified that the proposed development shall not involve 'Eating Place' use.</p>

Comments from Lands Department dated 10.2.2025 (Contact Person: Ms. Emily Fok, tel.: [REDACTED])	Our Response to Comments from Lands Department
<p><i>The premises under application falls within New Kowloon Inland Lot No. 4437 ("the Lot"), which is held under the Condition of Sale No. 7179 dated 25.6.1962 as varied or modified by a modification letter dated 5.7.1965. The lease term has been extended up to 30.6.2046. The Lot is restricted for industrial and/or godown purposes excluding offensive trades. The proposed "Shop and Services" use and proposed 'Shop and Services' use (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom) of the premises will contravene the lease conditions under which the Lot is held.</i></p> <p><i>2. If the planning application is approved by the Town Planning Board ("TPB"), the owner of the premises shall apply to Lands Department ("LandsD") for a lease modification or temporary waiver to implement the proposal. However, there is no guarantee that the lease modification or temporary waiver application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord as its sole discretion. In the event any such application is approved, it will be subject to such terms and conditions including, among others, the payment of premium/waiver fee and administrative fee as may be imposed by LandsD. Approval by TPB shall not prejudice the government's right to take enforcement action against any breach of lease conditions identified at the premises.</i></p>	<p>Noted.</p>

Comments from Buildings Department dated 10.2.2025 (Contact Person: Mr. CHONG Yeuk-hing/Ms. NG Wun-yin, Natalie, tel.: [REDACTED], [REDACTED])	Our Response to Comments from Buildings Department
<p><i>No objection in principle to the application subject to the following comments</i></p> <ol style="list-style-type: none"> <i>1) All building works/ change of use are subject to compliance with the Buildings Ordinance (BO).</i> <i>2) Before any new building works are carried out, prior approval and consent from the Building Authority (BA) under BO should be obtained, unless the works fall within the scope of designated minor works that can be carried out under the simplified requirements specified in the Building (Minor Works) Regulation or such works are exempted works.</i> <i>3) The applicant is advised to consult an Authorized Person to ensure that any building works/ change of use are implemented in compliance with BO, including (but not limited to) the following:</i> <ol style="list-style-type: none"> <i>a. Adequate means of escape should be provided in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code).</i> <i>b. The subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to the Building (Construction) Regulation 35 and the FS Code.</i> <i>c. Adequate provision of sanitary fitments should be provided to the subject premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.</i> 	<p>Noted. Detailed comments from Buildings Department shall be addressed in the formal General Building Plan submission stage.</p>

<p><i>d. Adequate provision of barrier free access to the subject premises should be provided in accordance with the Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.</i></p> <p><i>4) For unauthorised building works (UBW) erected on private land/buildings, 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. The granting of any planning approval should not be construed as an acceptance of any UBW on the application site under the BO.</i></p> <p><i>5) If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.</i></p> <p><i>6) Please also draw the applicant's attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-47 that the BA has no powers to give retrospective approval or consent for any UBW.</i></p> <p><i>7) Detailed comments under the BO will be given at the building plans submission stage.</i></p>	
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Comments from Fire Services Department dated 26.2.2025 (Contact Person: Li Chi-fung, tel.: [REDACTED])	Our Response to Comments from Fire Services Department
<p><i>Please be informed that I have no objection in principle to the proposal subject to water supplies for firefighting service installations being provided to the satisfaction of the Director of Fire Services.</i></p> <p><i>However, the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.</i></p> <p><i>Nevertheless, shall the proposed work involve licensed premises in the area, the consultant should make separate enquiry to licencing authority.</i></p> <p><i><u>In addition, the building is not protected with sprinkler system so that the maximum permissible aggregated commercial floor area on G/F is 230m² in accordance with TPB PG-No. 22D.</u> The applied use should be counted up to the aggregated commercial area.</i></p>	<p>Noted.</p>