

*Advisory clauses*

- (a) to note the comments of the District Lands Officer/Kowloon East, Lands Department (LandsD) on the need to apply to the District Lands Office, Kowloon East for a temporary waiver/lease modification to give effect to the proposal. However, there is no guarantee at this stage that the temporary waiver/lease modification would be approved. If the application for temporary waiver/lease modification is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions including the payment of waiver fee/premium as appropriate as proposed by LandsD;
- (b) 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 Authorized 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 2011” (FS Code); the subject 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; adequate sanitary fitments should be provided to the premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and structural justification should be provided if solid partition walls are to be erected within the premises. Detailed comments under BO can only be provided at the building plan submission stage. For unauthorised 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 is also 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; and
- (c) to note the comments of the Director of Fire Services that fire services 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 FS Code which is administered by the BA; and 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”.