

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the District Lands Officer/Kowloon East, Lands Department (LandsD) that the existing 'fast food shop' use at the application premises is in breach of the lease conditions. The applicant is required to apply to his office for a temporary waiver/lease modification to regularize the breach. However, there is no guarantee at this stage that the application for temporary waiver/lease modification would be approved. If such an application 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. The applicant is required to demonstrate the dimensions and calculation of the floor area when a temporary waiver/lease modification application is submitted;
- (c) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the proposed use should in all aspects comply with the Buildings Ordinance (BO). The provision of adequate means of escape should be provided in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code). In this respect, the exit door of the shop leading to the carpark on G/F is considered not acceptable. 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 should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008. The provision of natural lighting and ventilation should be provided to the food preparation room containing soil fitments in accordance with B(P)R 36. Sanitary fitments should be provided in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Detailed comments under the BO would be provided at the building plan submission stage; and
- (d) to note the comments of the Director of Fire Services that fire services installations 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 or referral from licensing authority. The proposed shop and services (fast food shop) shall only be licensed and operated as 'food factory' or as 'factory canteen'; the operation licensed as a 'general restaurant' or 'light refreshment restaurant' will **not** be accepted. The applicant is reminded to observe the FS Code 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.