

Advisory clauses

- (a) to note the comments of the District Lands Officer/Kowloon East, Lands Department (LandsD) that the proposed use of the premises for the purpose of 'Shop and Services' is in breach of the *relevant* lease conditions. The applicant is required to apply to his office for *a* temporary waivers/lease modifications to ~~regularize the breach give effect to the proposal~~. However, there is no guarantee at this stage that the temporary waivers/lease modifications would be approved. If the applications for *a* temporary waivers/lease modifications ~~are is~~ approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions including the payments of waiver fees/premiums as appropriate as imposed by LandsD. The applicant is required to demonstrate the dimensions and calculations of the floor areas when ~~the a~~ temporary waivers/lease modifications applications ~~are is~~ submitted;
- (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 (AP) to submit building plans (BPs) for the proposed change in use and/or alterations and additions works to demonstrate compliance with BO, in particular, adequate means of escape (MoE) 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 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 BP 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 BO. The applicant's attention is drawn to Practice Note for AP, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that 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 service 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 BPs or referral from licensing authority. MoE separated from the industrial portion should be available for the subject unit. Regarding matters related to fire resisting

construction of the application premises, the applicant is reminded to comply with the FS Code which is administered by 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.