

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Premises;
- (b) to note the comments of the District Lands Officer/Kowloon East, Lands Department (LandsD) on the need to apply to his office for a temporary waiver/lease modification to give effect to the proposal. However, there is no guarantee that the temporary waiver/lease modification would be approved and if the application is eventually 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 any administration fee and waiver fee/premium, considered appropriate by LandsD. The floor area of the Premises and other details submitted by the applicant have not been verified. The applicant is required to demonstrate the dimensions and calculation of the floor area when the lease modification/waiver application is submitted. As per his recent inspection, the Premises is operated as a fast food shop serving the public with direct access from street which are in breach of the lease conditions. His office will take appropriate lease enforcement action against the existing breach pursuant to the prevailing practice;
- (c) to note the comments of the Director of Fire Services that the applied fast food shop shall be sited at street level only and licensed as food factories. 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 building plans. The subject proposal licensed and operated as a ‘general restaurant’ or ‘light refreshment restaurant’ will not be accepted. Regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the “*Code of Practice for Fire Safety in Buildings*” which is administered by the Building Authority;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant is advised to appoint an Authorised Person to assess the feasibility of the proposed alterations and additions works / change of use and whether building plans are required to be submitted to demonstrate compliance with the Buildings Ordinance (BO). The applicant is reminded to

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observe the licensing requirements imposed by the relevant licensing authority. For unauthorized building works (UBW) erected on private land/buildings, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning permission should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The applicant should note the 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. Detailed comments under the BO will be given at the building plan submission stage.