

*Advisory clauses*

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments from 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 temporary waiver/lease modification to regularise 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 imposed by LandsD. The applicant is required to demonstrate the dimensions and calculation of the floor area when the lease modification/temporary waiver application is submitted;
- (c) 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). An Authorized Person should be appointed 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 subject 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 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 subject premises under the BO. The applicant’s attention is 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

- (d) 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. 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 comply with the FS Code which is administered by the 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.