

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 use of the premises for 'Money Exchange' shop is in breach of the lease conditions as well as the temporary waiver dated 4.5.2015 for the purpose of shop and services (bakery and cake shop). Without prejudice to Government's right to take appropriate lease enforcement action against the breach, the applicant is required to apply to his office 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 imposed 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 under Section 14(1) of the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from Building Authority (BA) before commencement of works unless they are exempted under Section 41 of BO or fall within minor works under the Building (Minor Works) Regulations. The applicant is advised to appoint an Authorized Person to submit building plans (BPs) for the proposed change in use and/or alterations and additions works to demonstrate compliance with BO. For unauthorized building works (UBW) erected on the Premises (if any), enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. Granting of any planning approval should not be construed as an acceptance of any UBW on the Premises under BO. The applicant's attention should be drawn to Practice Note for Authorized Person, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that BA has no powers to give retrospective approval or consent for any UBW and/or building works which had already been completed at the Premises. Detailed comments under BO can only be provided at the BP submission stage; and
- (d) 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. Means of escape 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 BD. 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

(https://www.info.gov.hk/tpb/en/forms/Technical_Doc/Compliance_Guidance_Notes_eng_plan.pdf).