

Advisory clauses

- (a) the permission only covers the portion of ground floor under application and excludes the cockloft above the application premises; should the cockloft form part of the business of the approved 'Shop and Services' use at the application premises or be used for other uses under Column 2 of the Schedule II of the "Other Specified Uses" annotated "Business" zone, a fresh planning application is required to be submitted to the Town Planning Board;
- (b) to note the comments of the District Lands Officer/Kowloon East, Lands Department (LandsD) that the use of the premises for shop and services is in breach of the lease conditions. 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 a 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 registered ownership of the premises could not be traced from the Land Registry. If the premises form part of the common area of the existing building erected on the Lot, agreement(s) of all the owner(s) of the Lot are required for submitting the said application for temporary waiver/lease modification and, if approved, all the owner(s) are required to jointly execute the relevant document. 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(2) of the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the 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) Regulation. The applicant is advised to appoint an Authorized Person to check and ensure that the proposed shop and services should in all aspects comply with BO and its allied regulations. Detailed comments under BO would be provided at the building plan (BP) submission stage. "No objection in-principle" to the planning application should not be construed as an acceptance of any unauthorized building work (UBW) on the Premises under BO. Enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary;
- (d) to note the comments of Commissioner for Transport that he has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses of the subject development; and
- (e) 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).