

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Premises;
- (b) the permission only covers the portion of ground floor under application and excludes the cockloft partly above part of the Premises; should the cockloft form part of the business of the approved 'Shop and Services' use at the Premises or be used for other commercial uses, a fresh planning application is required to be submitted to the Town Planning Board;
- (c) 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. 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 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. According to his recent inspection, the Premises is using Wai Yip Street for vehicular ingress/egress purpose which is in breach of the lease conditions. His office will take appropriate lease enforcement action against the existing breach pursuant to the prevailing practice;
- (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 building plans. Means of escape separated from the industrial portion is available for the Premises. 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 (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"
(https://www.info.gov.hk/tpb/en/forms/Technical_Doc/Compliance_Guidance_Notes_eng_plan.pdf);
- (e) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that all building works/ alterations and additions (A&A)/ change of use are subject to compliance with the Buildings Ordinance (BO). The applicant is reminded that the required 2 nos. of exits should not be closed with roller shutters. Furthermore, the doors or gates should be capable of being readily opened in the direction of the exit route. The applicant is advised to appoint an Authorized Person to ensure any building works/ A&A works/ change of use are in compliance with BO. Under section 14(1) of the BO, no person shall commence or carry out any building works without having first obtained approval and consent from the BA before commencement of works unless they are exempted under section 41 of the BO or fall within minor works

under the Building (Minor Works) Regulation. 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 approval should not be construed as an acceptance of any 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; and

- (f) 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.