

Recommended Advisory Clauses

- (a) To note the comments of the District Lands Office/Kowloon West, Lands Department (LandsD) that the owner of the Premises has to apply to LandsD for a waiver or no objection letter to permit the proposed ‘Shop and Services and Wholesale Trade’ use (“the waiver/NOL application”). However, there is no guarantee that the waiver/NOL application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the private landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee/premium and administrative fee as may be imposed by LandsD.
- (b) To note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that:
- (i) Under section 14(1) of the Building Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulations;
- (ii) The applicant is advised to appoint an Authorized Person (AP) to check and ensure the following are in compliance with the Bo and its allied regulations:
- adequate means of escape and fire resisting construction should be provided in accordance with the Building (Planning) Regulation 41(1) and Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
 - access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008; and
 - provision of adequate sanitary fitments in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation.
- (iii) The use of the Premises as shown on the approved G/F plan dated 14 August 1980 is “workshop”. Alterations and Additions plans were approved on 27 March 2013 for changing portion of G/F to canteen including the area of the Premises. However, no consent to commence works has been issued and no notice of commencement of works has been received.
- (c) To note the comments of the Commissioner for Transport (C for T) that she has the right 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.

- (d) To note the comments of the Director of Fire Services that regarding matters related to fire resisting construction of the premises, the applicant is reminded to comply with “*Code of Practice for Fire Safety in Building*” which is administered by the Building Authority. The applicant’s attention is drawn to “*Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises*”.
- (e) To note the comments of the Director of Food and Environmental Hygiene that relevant food licence or permit must first be obtained from the Food and Environmental Hygiene Department and comply with requirements of concerned departments (including the Food and Environmental Hygiene Department, BD, etc.) and relevant legislation should the Premises be intended for food business including the installation of mechanical ventilating system.