

Advisory Clauses

- (a) Prior planning permission should have been obtained before commencing the applied use at the subject premises.
- (b) To note the comments of District Lands Officer/Kowloon West, Lands Department (LandsD) that if the subject planning application is approved by the Town Planning Board, the owner of the Premises has to apply to LandsD for a waiver or no-objection letter to permit the shop and services (fast food counter) use. However, there is no guarantee that the application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. If 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 considered appropriate by LandsD.
- (c) To note the comments of the Chief Building Surveyor/Kowloon, Buildings Department that:
 - (i) the applicant is advised to engage an Authorised Person to ensure that any alterations and additions/change in use are implemented in compliance with the Buildings Ordinance (BO);
 - (ii) 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 Building Authority 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;
 - (iii) detailed comments under the BO would be provided at the building plan submission stage; and
 - (iv) attention of the applicant should be drawn that “no objection” to the application should not be constructed as an acceptance of any unauthorised building works (UBW) on the Premises under the BO. Enforcement action may be taken by the Building Authority to effect their removal in accordance with the BD’s enforcement policy against UBW as and when necessary.
- (d) To note the comments of the Director of Fire Services that detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans; the fast food shop to be licensed as “food factory” or “factory canteen”; and the applicant’s attention should be drawn to the “Guidance note on compliance with planning condition on provision of fire safety measures for commercial uses in industrial premises” and submit relevant documents to the Town Planning Board if the application is approved.
- (e) To note the comments of the Commissioner for Transport that he has the rights to impose, alter or cancel any carparking, 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.

- (f) To note the comments from the Director of Food and Environmental Hygiene (DFEH):
 - (i) no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses;
 - (ii) proper licence/permit shall be obtained from the Food and Environmental Hygiene Department (FEHD) if there is any food business regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public;
 - (iii) under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from FEHD for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business; and
 - (iv) the application for Food Factory Licence, if acceptable by FEHD, will be referred to relevant government departments, such as LandsD and the Planning Department for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements.