

Recommended Advisory Clauses

- (a) A temporary approval of five years is given in order to allow the Metro Planning Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the application premises will not jeopardized;
- (b) to note the comments of District Lands Officer/Tsuen Wan and Kwai Tsing of Lands Department that the proposed use at the Premises contravenes the existing lease conditions. The owner of the Premises needs to apply to LandsD for a temporary waiver for shop and services use. The proposal will only be considered upon the receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserved his comment on such. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of waiver fee and administrative fee;
- (c) to note the comments of the Chief Building Surveyor/ New Territories West of Buildings Department that the (i) under 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) Regulation, (ii) the proposed fast food shop use will be subject to the building safety and other relevant requirements as may be imposed by the Licensing Authority and detailed comments under the BO would be provided at the licence application stage upon the referral from FEHD, (iii) the Premises should be separated from the remainder of the building with adequate fire resistance rating, and (iv) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (d) to note the comments of the Director of Fire Services that (i) the proposed ‘shop and services (fast food shop)’ shall be sited at street level only and licensed as

food factories, (ii) the applied use licensed and operated as a 'general restaurant' or 'light refreshment' will not be accepted, (iii) detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans, (iv) the Code of Practice for Fire Safety in Buildings which is administered by the Building Authority should be complied with, and (v) 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

- (e) to note the comments of the Director of Food and Environmental Hygiene that (i) the applicant is reminded to fulfil all requirements stipulated by Food and Environmental Hygiene Department (FEHD) and all relevant Government departments as well as to resolve any issues raised by concerned parties, and (ii) relevant food licence or permit must first be obtained from FEHD and comply with requirements of concerned departments and relevant legislation should the Premises be intended for food business.