

Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department's detailed comments on the application:

- (a) Authorized Person (AP) should be appointed to submit building plans to the Building Authority (BA) for approval;
- (b) Barrier Free Access and facilities including carparking spaces for persons with a disability and accessible toilets should be provided to the proposed wholesale conversion building under Building (Planning) Regulation (B(P)R) 72;
- (c) Emergency Vehicular Access shall be provided in accordance with B(P)R 41D;
- (d) Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2, Hong Kong Planning Standards and Guidelines (HKPSG) and the advice of C for T and Director of Fire Services will be referred to when determining exemption of GFA calculation for aboveground carparking spaces. Applicant's attention is drawn to the fact that only 50% GFA concession may be granted for aboveground carparking spaces;
- (e) adequate provision of Means of Escape and sanitary fitments should be provided after the wholesale conversion;
- (f) satisfactory substantiations on acceptable floor heights for different types of uses should be provided at plan submission stage and BA's position to be reserved under B(P)R 23(3)(a) on the resultant GFA implication, if any;
- (g) the proposed use under the application as eating place should comply with the building safety and other relevant requirements as may be imposed by the relevant licensing authority;
- (h) all unauthorised building works/ structures, if any, should be removed according to the provisions of the Buildings Ordinance (BO);
- (i) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future; and
- (j) detailed comments will be given during GBPs submissions stage.

Director of Food and Environmental Hygiene's detailed comments on the application:

- (a) the operation of the "eating place" should not cause sanitary nuisance to its surrounding environment;
- (b) other than domestic waste, the management(s), owner(s), operator(s) of the "eating place" should properly remove and dispose the waste/refuse including waste water generated at their own expense; and
- (c) the activities in the "eating place" and removal of waste/refuse from the "eating place" should not cause any environmental nuisance to the surroundings.

Recommended Advisory Clauses

- (a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the OZP in force at the time of redevelopment which may not be the same as those for the existing building;
- (b) to note the comments of the District Lands Officer/Shu Tin, Lands Department (LandsD) that
 - (i) according to the leases, the form of energy fuel which may be utilized for any process are electricity, town gas, LP gas or natural gas. The use of any liquid or solid fuels is not allowed under the lease. It is noted that DG stores are proposed at 1/F. The applicant should ensure that the relevant lease restriction is complied with or is properly handled in the Special Waiver application;
 - (ii) the applicant should refer to the LandsD Land Administration Office Practice Notes No. 6/2019 (“the PN”) for the prerequisites, no change to existing structure/bulk, requirement of Designated Portion and Specific Uses for application for a Special Waiver;
 - (iii) application for special waiver of the entire industrial building under the revitalization scheme announced in 2018 would be processed on lot basis. The applicant is therefore reminded that facilities straddling on 2 lots will pose implementation and enforcement problems. The requirement of 10% GFA for Designated Portion and Specific Uses should also be provided on respective lots;
 - (iv) the applicant is reminded that recovery of total accountable GFA due to conversion works is not permitted except subject to restrictive exceptions stated in the PN;
 - (v) comments on the details of the conversion works, GFA calculation, GFA accountability, existing building bulk, etc. of the proposal are reserved and will be given until a formal application to LandsD for Special Waiver is submitted;
 - (vi) the proposed development involves two existing industrial buildings standing on individual lots namely STTL 196 and STTL 276. The two existing buildings are subject to separate set of approved building plans with discrete technical requirements. Access (including vehicular access) at G/F and 1/F of the industrial building erected on STTL 276 has to reply on the right of way reserved in STTL 196. Such arrangement will pose implementation and enforcement issues. Comments on these aspects of the proposal are reserved and will be given until formal application to LandsD for Special Waiver is submitted; and
 - (vii) if the Town Planning Board approves the application, the applicant is required to apply to LandsD for the Special Waiver for the conversion of an entire existing industrial building under LAO, LandsD Practice Notes issue no. 6/2019. The Special waiver application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion. There is no guarantee that such application will be approved and any approval, if given, will be subject to such terms and conditions including, inter alia, payment of administrative fee as may be imposed by LandsD;

(c) to note the comments of the Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department that:

- (i) Authorized Person (AP) should be appointed to submit building plans to the Building Authority (BA) for approval;
- (ii) Barrier Free Access and facilities including carparking spaces for persons with a disability and accessible toilets should be provided to the proposed wholesale conversion building under Building (Planning) Regulation (B(P)R) 72;
- (iii) Emergency Vehicular Access shall be provided in accordance with B(P)R 41D;
- (iv) Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2, Hong Kong Planning Standards and Guidelines (HKPSG) and the advice of C for T and Director of Fire Services will be referred to when determining exemption of GFA calculation for aboveground carparking spaces. Applicant's attention is drawn to the fact that only 50% GFA concession may be granted for aboveground carparking spaces;
- (v) adequate provision of Means of Escape and sanitary fitments should be provided after the wholesale conversion;
- (vi) satisfactory substantiations on acceptable floor heights for different types of uses should be provided at plan submission stage and BA's position to be reserved under B(P)R 23(3)(a) on the resultant GFA implication, if any;
- (vii) the proposed use under the application as eating place should comply with the building safety and other relevant requirements as may be imposed by the relevant licensing authority;
- (viii) all unauthorised building works/ structures, if any, should be removed according to the provisions of the BO; and
- (ix) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future.

(d) to note the comments of the Director of Food and Environmental Hygiene that:

- (i) the applicant should obtain a suitable food business licence from Food and Environmental Hygiene Department (FEHD) if the "eating place" is to be opened for use by members of public;
- (ii) the operation of the "eating place" should not cause sanitary nuisance to its surrounding environment;
- (iii) other than domestic waste, the management(s), owner(s), operator(s) of the "eating place" should properly remove and dispose the waste/refuse including waste water generated at their own expense; and
- (iv) the activities in the "eating place" and removal of waste/refuse from the "eating place" should not cause any environmental nuisance to the surroundings.