

<b>DEPARTMENTAL COMMENTS</b>		<b>OUR RESPONSES TO DEPARTMENTAL COMMENTS</b>							
<b>(1)</b>	<b><i>Comments from Transport Department dated 28.2.2024 (Received by Planning Department on 1.3.2024) (Contact Person: Mr. Dustin CHAN, tel.: [REDACTED])</i></b>	<b><i>Our Response to Departmental Comments dated 23 April 2024</i></b>							
2.	<i>The ancillary parking and loading/unloading provision in accordance with HKPSG was not mentioned in the submission. We had approached the Authorised Agent (Raymond Chan Surveyors Limited)'s representative (Ms Jane Yim at [REDACTED] and request for clarification of the car parking provision and layout, however, the response was not yet received before the deadline.</i>	<p><i>The subject building, Jing Wah Building, is a 9-storey industrial building commonly built with the adjoining 15-storey industrial building, namely Efficiency House (35 Tai Yau Street). The subject industrial development is providing internal transport facilities in accordance to lease condition <b>(the relevant approved GBP under BD ref. 2/5047/62 and 2-3/5047/62/10 are attached)</b> as follows:</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><b>Floor</b></th> <th style="text-align: left;"><b>Internal Transport Facilities (Jing Wah Building)</b></th> <th style="text-align: left;"><b>Internal Transport Facilities (Efficiency House)</b></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">G/F</td> <td style="text-align: center;">11 nos. Private Car Parking Space</td> <td style="text-align: center;">6 nos. Private Car Parking Space &amp; 17 nos. Parking, Loading/Unloading Space for Goods Vehicle</td> </tr> </tbody> </table> <p><i>According to the approved GBP, the total non-domestic GFA of subject industrial development is 332,046.01 sq.ft (about 30,847.83 sq.m). The proposed conversion of the subject workshop to Shop and Services use (involving floor area of about 230 sq.m) constitutes not more than 0.75% of total GFA of the industrial development, the additional demand for internal transport facilities should be considered minimal. The loading/unloading activities for the proposed use would perform at the existing loading/unloading space at G/F of the subject industrial development.</i></p> <p><i>The proposed goods delivery routes within building is demonstrated in <b>Figure 3</b>.</i></p>		<b>Floor</b>	<b>Internal Transport Facilities (Jing Wah Building)</b>	<b>Internal Transport Facilities (Efficiency House)</b>	G/F	11 nos. Private Car Parking Space	6 nos. Private Car Parking Space & 17 nos. Parking, Loading/Unloading Space for Goods Vehicle
<b>Floor</b>	<b>Internal Transport Facilities (Jing Wah Building)</b>			<b>Internal Transport Facilities (Efficiency House)</b>					
G/F	11 nos. Private Car Parking Space	6 nos. Private Car Parking Space & 17 nos. Parking, Loading/Unloading Space for Goods Vehicle							
2.	<i>The applicant should elaborate the proposed car parking provision and demonstrate the fulfillment of HKPSG requirements and provide the relevant calculation, proposed carpark layout, loading/unloading arrangement including goods delivery routes within building for our further consideration.</i>								

<p><b>Comments from Transport Department dated 6.5.2024 (Contact Person: Ms. Summer LEE, tel. [REDACTED])</b></p>	<p><b>Our Response to Departmental Comments dated 5 June 2024</b></p>
<p>To determine the acceptability of the proposed use of the existing loading/unloading bay at Efficiency House, the applicant should seek the agreement from the stakeholders for allocating designated loading/unloading bay(s) to them. The applicant should provide justification to confirm and demonstrate that their proposal will not induce roadside loading/unloading and good delivery on the public road and the remaining loading/unloading bays are adequate for the Efficiency House.</p>	<p>(i) Considering the applicant finds difficulty in seeking written consent/agreement from the existing owner of Efficiency House to allocate designated loading/unloading bay(s) to serve the proposed 'Shop and Services' at this planning application stage, the applicant would like to propose alternative proposed goods delivery route <u>within building (Figure 3_Rev. A)</u>, which supersedes the proposed goods delivery route in <b>Figure 3</b> submitted on 23 April 2024.</p> <p>(ii) <u>Existing Utilization Condition</u> Please be clarified that the applicant is the sole owner of Jing Wah Building (see all Land Registers in <b>Annex A</b>) including the existing car park on ground floor of the subject building. Currently, 8 nos. of car parking spaces on site are under monthly rental to the users of Jing Wah Building while the remaining parking spaces on site are reserved for applicant's self-use. From 29 May 2024 to 02 June 2024, it is observed that the 8 nos. of car parking space under monthly rental are occupied during office hour 9:00 am to 6:00 pm from Monday to Saturday and unoccupied on Sunday. The remaining parking spaces reserved for the applicant's self-use are unoccupied everyday.</p> <p>(iii) <u>Proposed New Parking Arrangement for Proposed 'Shop &amp; Services' Use on G/F</u> It is proposed that unloading/unloading activities for the proposed 'Shop &amp; Services' shall be performed at the existing car park at Jing Wah Building (Car Parking Space Nos. P5 &amp; P6 shall designated exclusive use by the Proposed 'Shop &amp; Services' for L/UL or parking activities from 7:00 am to 9:00 am everyday by visit-by-appointment arrangement (<b>Figure 3_Rev. A</b>). The visit-by-appointment arrangement shall be managed by the existing property managers/security guards residing at the subject building who are directly employed by the applicant. The parking arrangement shall be as follows:-</p>

Car Parking Space No.	Dimension (W x L) (m)	Designated Users
9 nos. (P1, P2, P3, P4, P7, P8, P9, P10 & P11)	2.5 m x 5m	Monthly Rental to the users of the subject Jing Wah Building
2 nos. (P5 & P6)	2.5 m x 5m	(i) Exclusive Use by the Proposed 'Shop & Services' for L/UL or parking activities from 7:00 am to 9:00 am everyday by visit-by-appointment arrangement (at construction/renovation stage and operation phases of the proposed development)  (ii) Hourly Rental to the users of the subject Jing Wah Building (other than 7:00 am to 9:00 am everyday)

(iv) The Anticipated L/UL and Parking Demand from the Proposed 'Shop & Services'  
The anticipated L/UL and parking demand from the proposed 'Shop & Services' are as follows:-  
*(a) Operation Phase*  
The anticipated type of vehicles for goods delivery shall be Light Goods Vehicle (LGV) and the estimated trips generated from the delivery of goods shall be a maximum of 4 trips per week and each unloading/unloading slot shall not be more than 30 minutes. Meanwhile, car parking facility required by customers is not anticipated as the proposed 'Shop & Services' mainly serve the demand from the local workers and residents.

*(b) Construction/Renovation Phase*  
The conversion of the subject workshop to 'Shop & Services' use shall involve minor A&A and renovation works only, LGV shall be able to cater for the need of delivery of construction materials at construction/renovation phase. The anticipated type of vehicles for delivery of construction materials shall be Light Goods Vehicle (LGV) and the delivery of construction materials shall only be performed at early stage of the proposed development. The construction period shall last for about two months and each unloading/unloading slot shall not be more than 30 minutes.

		<p>(v) According to the latest approved GBP for the subject building, the 2 nos. of car parking space (P5 &amp; P6) to be designated exclusive use by the Proposed 'Shop &amp; Services' for parking or L/UL activities from 7:00 am to 9:00 am everyday has locational advantage to accommodate a Light Goods Vehicle with standard parking dimension of 3.5 m (W) x 7.0 m (L) as specified in Hong Kong Planning Standards and Guidelines (HKPSG) (as demonstrated on <b>Figure 3_Rev. A</b>).</p> <p>(vi) Considering the observation on existing utilization condition stated in para. (ii) above, the proposed new parking arrangement shall be able to cater the need of L/UL activities generated from the proposed 'Shop &amp; Services' Use.</p>
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<b>(II)</b>	<b>Comments from Lands Department dated 1.3.2024 (Contact Person: Ms Emily Fok, tel.: [REDACTED])</b>	<b>Our Response to Departmental Comments dated 23 April 2024</b>
	<p><i>The premises under application falls within New Kowloon Inland Lot No. 4437 (“the Lot”), which is held under the Condition of Sale No. 7179 dated 25.6.1962 as varied or modified by a modification letter dated 5.7.1965. The lease term has been extended up to 30.6.2046. The Lot is restricted for industrial and/or godown purposes excluding offensive trades. The proposed “Shop and Services” use of the premises will contravene the lease conditions under which the Lot is held.</i></p>	<p><i>Noted.</i></p>
2.	<p><i>If the planning application is approved by the Town Planning Board (“TPB”), the owner of the premises shall apply to Lands Department (“LandsD”) for a lease modification or temporary waiver to implement the proposal. However, there is no guarantee that the lease modification or temporary waiver application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord as its soled discretion. In the event any such application is approved, it will be subject to such terms and conditions including, among others, the payment of premium/waiver fee and administrative fee as may be imposed by LandsD. Approval by TPB shall not prejudice the government’s right to take enforcement action against any breach of lease conditions identified at the premises.</i></p>	<p><i>Noted.</i></p>

<b>Comments from Lands Department dated 6.5.2024 (Contact Person: Ms Emily Fok, tel.: [REDACTED])</b>	<b>Our Response to Departmental Comments dated 5 June 2024</b>
<p>The proposed goods delivery route as shown in Figure 3 (Rev. -) falls within the common area of the Lot while the car parking and L/UL spaces located in Efficiency House are currently held by two separate owners as shown in the Land Registry record.</p>	<p>See our Response to Comments to TD above and the alternative goods delivery route proposed under this submission (see <b>Figure 3_Rev A</b>).</p>

<b>(III)</b>	<b>Comments from Buildings Department dated 22.2.2024 (Contact Person: Mr Colin Lai, tel. [REDACTED])</b>		<b>Our Response to Departmental Comments dated 23 April 2024</b>
	The applicant is required to clarify the following for our consideration:		
	1.	(a) It is noted that the proposed layout is different from the approved plans dated 25.1.2017 (our reference BD 2-3/5047/62/7) in respect of an active Alterations and Additions works at the subject premises, in that the F.S. pump room and sprinkler pump room and fire control centre shown on the aforesaid approved plans have not been indicated on the proposed layout plan.	<p>Please be clarified that the latest A&amp;A works implemented on site was in accordance to the latest GBP BD ref. 2-3/5047/62/10 approved by the Building Authority on 27.7.2022.</p> <p>The said approved plan dated 25.1.2017 under BD ref. 2-3/5047/62/7 in respect of the proposed Alterations and Additions works at the subject premises, and the said proposed F.S. pump room, sprinkler pump room and fire control centre shown on the aforesaid approved plans had not been implemented on site.</p>
		(b) The layout of existing staircase No. 7 on G/F. Para. 5(b)(i) of your memo dated 15.2.2024 refers.	The existing staircase No. 7 is shown on <b>Figure 2_Rev. A</b> enclosed herewith.
		(c) The proposed use of the area in between the subject premises and the adjoining lavatories. Para, 5(b)(ii) of the above memo refers.	The area in between the application premises and the adjoining lavatories is out of the application boundary and shall be remained as 'workshop' use.
	2.	Regarding para. 1(a) above, you may wish to seek comments from the Fire Services Department.	Noted.
	3.	All building works/ change of use are subject to compliance with the Buildings Ordinance (BO).	
	4.	Before any new building works are carried out, prior approval and consent from the Building Authority (BA) under BO should be obtained, unless the works fall within the scope of designated minor works that can be carried out under the simplified requirements specified in the Building (Minor Works) Regulation or such works are exempted works.	

5.	<p><i>The applicant is advised to appoint an Authorized Person to ensure that any building works/ change of use are implemented in compliance with BO, including (but not limited to) the following;</i></p>	<p><i>Noted.</i></p>
	<p><i>(a) Adequate means of escape should be provided in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code).</i></p>	
	<p><i>(b) The subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to the Building (Construction) Regulation 35 and the FS Code.</i></p>	
	<p><i>(c) Adequate provision of sanitary fitments should be provided to the subject premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.</i></p>	
	<p><i>(d) Adequate provision of barrier free access to the subject premises should be provided in accordance with the Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.</i></p>	
6.	<p><i>For unauthorised building works (UBW) erected on private land/buildings, enforcement action may be taken by the Building Authority 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.</i></p>	



	<p>7. <i>If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.</i></p>	<p><i>Noted.</i></p>
	<p>8. <i>Please also draw the applicant's attention to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers PNAP APP-47 that the BA has no powers to give retrospective approval or consent for any UBW</i></p>	
	<p>9. <i>Detailed comments under the BO will be given at the building plans submission stage.</i></p>	

<b>Comments from Buildings Department dated 21.5.2024 (Contact Person: Ms Natalie Ng, SBS/K3; Tel: [REDACTED])</b>		<b>Our Response to Departmental Comments dated 5 June 2024</b>
1.	It is noted that the applicant provided clarifications to address the comments in paragraphs 1(a) to 1(c) of our memo dated 22.2.2024. Based on the clarifications provided, I have no further comments. However, please remind the applicant that our comments in paragraphs 3 to 9 of the said memo are still valid.	<b>Noted.</b>
2.	It is noted that the proposed passage for goods delivery as shown in drawing no. 'FIGURE 3' of the FI would involve proposed building works within and outside the application premises. In this regard, the applicant's attention is drawn to the comments in paragraphs 3 to 9 of our memo dated 22.2.2024. The applicant should also be reminded to obtain consents from relevant owner(s) for using the proposed passage for goods delivery.	<b>See our Response to Comments to TD above and the alternative goods delivery route proposed under this submission (see <b>Figure 3_Rev A</b>).</b>
3.	Based on the aforesaid drawing no. 'Figure 3', it appears that the proposed passage for goods delivery would route through an approved flush water pump room and a light well. You are advised to seek comments from Transport Department on whether the proposed goods delivery route is acceptable	