
Attachment 1

Responses to Departmental Comments

Section 16 Planning Application for Proposed Shop and Services in “Residential (Group B)” Zone at 128 Waterloo Road, Kowloon (G/F (Part) of a Residential Development) (Planning Application No. A/K7/122)

	Departmental Comments	Responses to Comments
1.	Comments from Transport Department	
1.1	As the applicant has not addressed our comments, our previous comments recapped below still remain valid please.	Noted.
1.2	The applicant has not produced evidence documenting the no objection / agreement from the users / owners of parking space nos. M1 and M2, CLP and residents and the relevant stakeholders, in particular the right-of-way issue which may require deliberation from the relevant authorities. In addition, the proposed loading/unloading space shall be clearly demarcated on the relevant building plans;	<p>After re-considering the departmental concerns on the loading / unloading arrangement, the Applicant would like to restrict the loading / unloading arrangement of the proposed convenience store. <u>No delivery of goods by vehicles</u> to the proposed convenience store will be allowed. Instead, all delivery of good must be delivered <u>on foot</u>. Such arrangements will be clearly stipulated as one of the binding terms under the management license and the tenancy agreement between the convenience store operator and the property management company.</p> <p>Under the current proposed delivery arrangement, there will be no obstruction to the right of way for the adjacent CLP substation, and the usage of the motorcycle parking space nos. M1 and M2. The delivery of goods will also be conducted via the exclusive access at Waterloo Road, which is separated from the domestic portion of 128 Waterloo and will not generate any nuisance to the residents.</p>
1.3	Please clarify the relevant legislations overseeing the said binding terms on using van-type vehicle only for delivery of goods for the convenience store. Please also clarify the right-of-way issue of allowing the loading and unloading activities to be done at the concerned location.	Please note that the tenancy agreement is legal binding document (i.e. contract) and hold weight if taken to court, which governs the actions of individuals to obey or carry out an obligation. If the owner of the convenience store is found to be in breach of the contract (i.e. violation of the agreed terms and conditions of the tenancy agreement), a person may lodge complaints to the property management company. Necessary actions will then be followed, which could include termination of contract if the violation is found to be persisted. If the offence persists outside the subject premises such as on the public road, a person may choose to report to relevant government departments such as the Hong Kong Police Force to take corresponding actions.

2.	Comments from Buildings Department	
2.1	Please note the comments in my previous memo dated 8 May 2024 are still pertinent, which are recapped below:	Noted.
2.1.1	All buildings works are subject to compliance with the Buildings Ordinance (BO) and its allied regulations.	Noted.
2.1.2	<p>The applicant should be advised to engage an Authorized Person to ensure that any building works/ alterations and additions works/ change of use are implemented in compliance with the BO, including (but not limited to) the following:</p> <ul style="list-style-type: none"> (a) Adequate means of escape (MOE) should be provided in accordance with Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code). (b) Fire barrier with adequate fire resisting construction between the subject premises and the remaining portion of the building should be provided in accordance with Building (Construction) Regulation 35 and the FS Code. (c) 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) Adequate sanitary fitments should be provided to the premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations 	Noted.
2.1.3	Detailed comments under BO can only be provided at the building plan submission stage.	Noted.
2.2	Before any new building works are carried out, prior approval and consent from the Building Authority (BA) under the 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.	Noted.