

BUILDING AUTHORITY OF HONG KONG
Form BD 106
BUILDINGS ORDINANCE
(Chapter 123)
Section 42



Permit under Section 42

Permit No. MW 002/2018(MOD)
Our Ref. No. MW 002/2018(MOD)
To : Hong Kong Council of Social Service
Room 505, 5/F, Harcourt House
39 Gloucester Road, Wanchai, Hong Kong

Date 30th November 2018

In exercise of the powers vested in me by section 42 of the Buildings Ordinance, I hereby grant modification of and/or exemption from the provisions of—

Building (Planning) Regulation 30

To permit the reduction of natural lighting and ventilation for the communal living area

in respect of the 4/F (FLAT E), NO.39A PITT STREET, KOWLOON on (lot no.) K.I.L. 8897 R.P., K.I.L. 8294
& K.I.L. 9071 R.P. as shown on the attached plan (Dwg no. AB01) under our Ref. No. MW 002/2018(MOD).

2. This permit is granted subject to the following conditions:-

- (i) Artificial lighting and mechanical ventilation at a rate of not less than 5 air changes per hour to be provided to the communal living area to the satisfaction of the Building Authority;
- (ii) The flat shall be properly used and managed according to the Management Plan dated 8th November, 2018 and submitted on 26th November, 2018 and agreed by the Building Authority;
- (iii) An inspection report to certify that the flat complies with the Management Plan and no alterations or additions have been made to the flat as shown on the plan mentioned in paragraph 1 above (including but not limited to the artificial lighting and mechanical ventilation are in good working order, etc.) shall be submitted by an Authorized Person annually; and
- (iv) This permit is given in recognition of the letter submitted by the non-profit making organization/institution (NPO) dated 26th November, 2018. The undertaking and this permit shall be incorporated into every tenancy agreement between the NPO and the occupants of the flat as mentioned in paragraph 1 above.
- (v) There should not be alteration or addition to the flat as shown on the plan mentioned in paragraph 1 above unless a new permit for the revised layout is obtained.

3. This permit will be revoked if the NPO above has been changed or expiry or termination of the tenancy agreement between the NPO and the owner of the flat as mentioned in paragraph 1 above.

4. Upon expiry or termination of the tenancy agreement between the NPO and the owner of the flat as mentioned in paragraph 1 above, the flat shall be reinstated in accordance with the approved plans or altered to a state that complies with the Buildings Ordinance and regulations and inform the Buildings Department immediately.

5. In case of contravention of any conditions in paragraph 2 above, the Building Authority:-


- (a) may instigate prosecution proceedings under section 40(2) of the Buildings Ordinance and any person convicted of such offence is liable to be a fine at level 6 and to imprisonment for 2 years; and
- (b) would reserve the right to serve an order under section 24 of the Buildings Ordinance requiring the reinstatement of the concerned flat in accordance with the latest approved plan(s).

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File ref : MW 002/2018(MOD)

Date : 30th November 2018

6. The annual inspection mentioned in para. 2(iii) above should be carried out in November every year. The first annual inspection should be carried out in November 2019 and the inspection report should be submitted on or before 29th November 2019.



(PANG Yuk-lung)

Chief Officer/Minor Works &
Signboard Control

for Building Authority

c.c. BD 106 Register
AP- Mr. WONG Wing-cheung
Owner

BD REF :

1:50 REF :

NOTES:
 1. WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE BUILDING ACT.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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REV. DESCRIPTION DATE

CONSULTANT :



BERNARDINI SUBSERVICES (INT'L) LTD
TEL: 25724333 FAX: 25662576

PROJECT TITLE :
COMMUNITY HOUSING DEVELOPMENT
AT NO. 38A PITT STREET,
KOWLOON

DRAWING TITLE :

PROPOSED LAYOUT PLAN OF
FOURTH FLOOR (FLAT E),
NO. 38A PITT STREET, KOWLOON

DATE	DRAWN	REVISION	RECORD	SCALE
27/05/2016	R			

JOB NO. : B6508

FORM NO. :

PLANS CODE :

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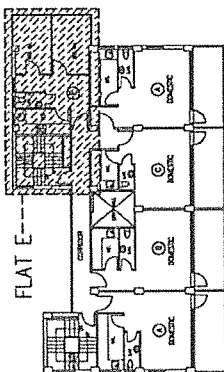
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PORTLAND STREET

PITT STREET



4TH FLOOR KEY PLAN
SCALE: 1:300

LEGEND: DOOR MARK

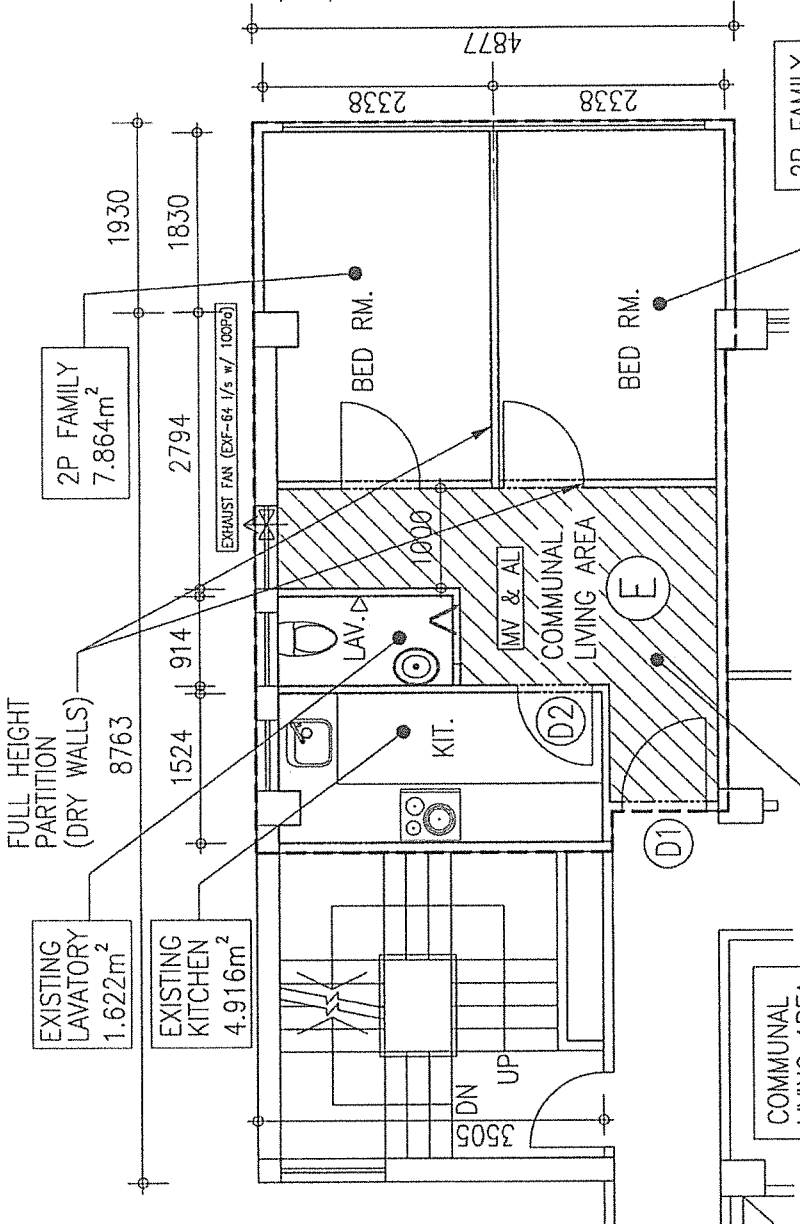
- (D1) NEW F.R.R. (-/60/60) DOOR
- (D2) NEW F.R.R. (-/30/30) DOOR WITH VISION PANEL

MODIFICATION/EXEMPTION FOR TRANSITIONAL HOUSING PROJECT:

TO PERMIT THE REDUCTION OF NATURAL LIGHTING AND VENTILATION FOR COMMUNAL LIVING AREA UNDER B(PJR) 30.

CONDITIONS OF THE MODIFICATION/EXEMPTION:

- ARTIFICIAL LIGHTING AND MECHANICAL VENTILATION AT A RATE OF NOT LESS THAN 5 AIR CHANGES PER HOUR TO BE PROVIDED TO THE ROOMS TO THE SATISFACTION OF THE BA.
- ALL OTHER HABITABLE ROOMS ARE IN FULL COMPLIANCE WITH B(PJR) 30 & 31.
- NO ALTERATION AND ADDITION TO THE AGREED LAYOUT UNLESS A NEW BD106 FOR REVISED LAYOUT IS OBTAINED.
- THE PREMISES SHALL BE PROPERLY USED AND MANAGED ACCORDING TO THE MANAGEMENT PLAN SUBMITTED WITH THE APPLICATION AND AGREED BY THE BA.
- UNDERTAKING FROM THE NPO THAT THE BD106 WILL BE INCORPORATED AS PART OF THE TENANCY OF THE PREMISES AS SHOWN ON THIS PLAN.
- CERTIFICATE OF COMPLETION OF WORKS TO BE SUBMITTED WITHIN 6 MONTHS FROM THE DATE OF PERMIT.
- THE PERMIT WILL BECOME INVALID UPON EXPIRY/TERMINATION OF THE TENANCY BETWEEN THE NPO AND THE OWNER. THE PREMISES SHOULD BE REINSTATED IN ACCORDANCE WITH THE APPROVED PLANS AND INFORM BD IMMEDIATELY.



LAYOUT PLAN OF FLAT E ON 4TH FLOOR
SCALE: 1:50

VOLUME = $10.776 \times 2.8 = 30.17 \text{ m}^3$
 REQUIRED FLOW RATE (5 AIR CHANGES PER HOUR) = $150.84 \text{ m}^3/\text{HR}$ or (41.9 L/s)
 PROVIDED FLOW RATE = $230 \text{ m}^3/\text{HR}$ or $(64 \text{ L/s}) > \text{REQUIRED}$

THE PREMISES WILL NOT BE CARVED OUT FOR SALES

Georia W.C. Wong
 Director
 100/102A Pitt Street
 Kowloon
 Tel: 25724333 Fax: 25662576

BD /152 OFFICE USE

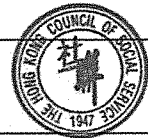
Management Plan for
Transitional Housing Initiatives in
Domestic Buildings
Flat D, 4F, No.39A Pitt Street, Yaumatei, Kowloon

Implemented and observed by the main tenant, the operator and all sub-tenants / occupiers of the premises

Main Tenant's Name:

Hong Kong Council of Social Service

Signature:



Date:

9th November, 2018.

Operator's Name:

J Life Foundation

Signature:



Table of Contents

1. The Premises
2. Exemptions/Modifications under the Buildings Ordinance and Subsidiary Regulations Sought
3. Management of the Premises
4. Annual Inspection of the Premises

Appendix – Layout Plan of the Premises

1. The Premises

Address of the premises		4th Floor (Flat E), No.39A Pitt Street, Yaumatei, Kowloon
Name of main tenant of the premises		Hong Kong Council of Social Service
Name of operator of the premises		J Life Foundation
Use of the premises		Domestic flat
Proposed subdivision of the premises	Use of subdivided areas	Usable Floor Area
	(a) Communal living area	10.776 m ²
	(b) Bedroom 1	7.864 m ²
	(c) Bedroom 2	7.985 m ²
	(d) Communal bathroom	1.622m ²
	(e) Kitchen	4.916m ²
Layout plan of the premises	Attached at the Appendix	23.163m ²

2. Exemptions/Modifications of the Buildings Ordinance and Subsidiary Regulations Sought

Relevant Regulations	Description of exemption/ modification sought	Location	Remarks
B(P)R 30	To permit reduction of natural lighting and ventilation for communal living area	Communal living area	Artificial lighting and mechanical ventilation at a rate of not less than 5 air changes per hour to be provided to the satisfaction of the Building Authority. All other habitable rooms are in full compliance with B(P)R 30 & 31

3. Management of the Premises

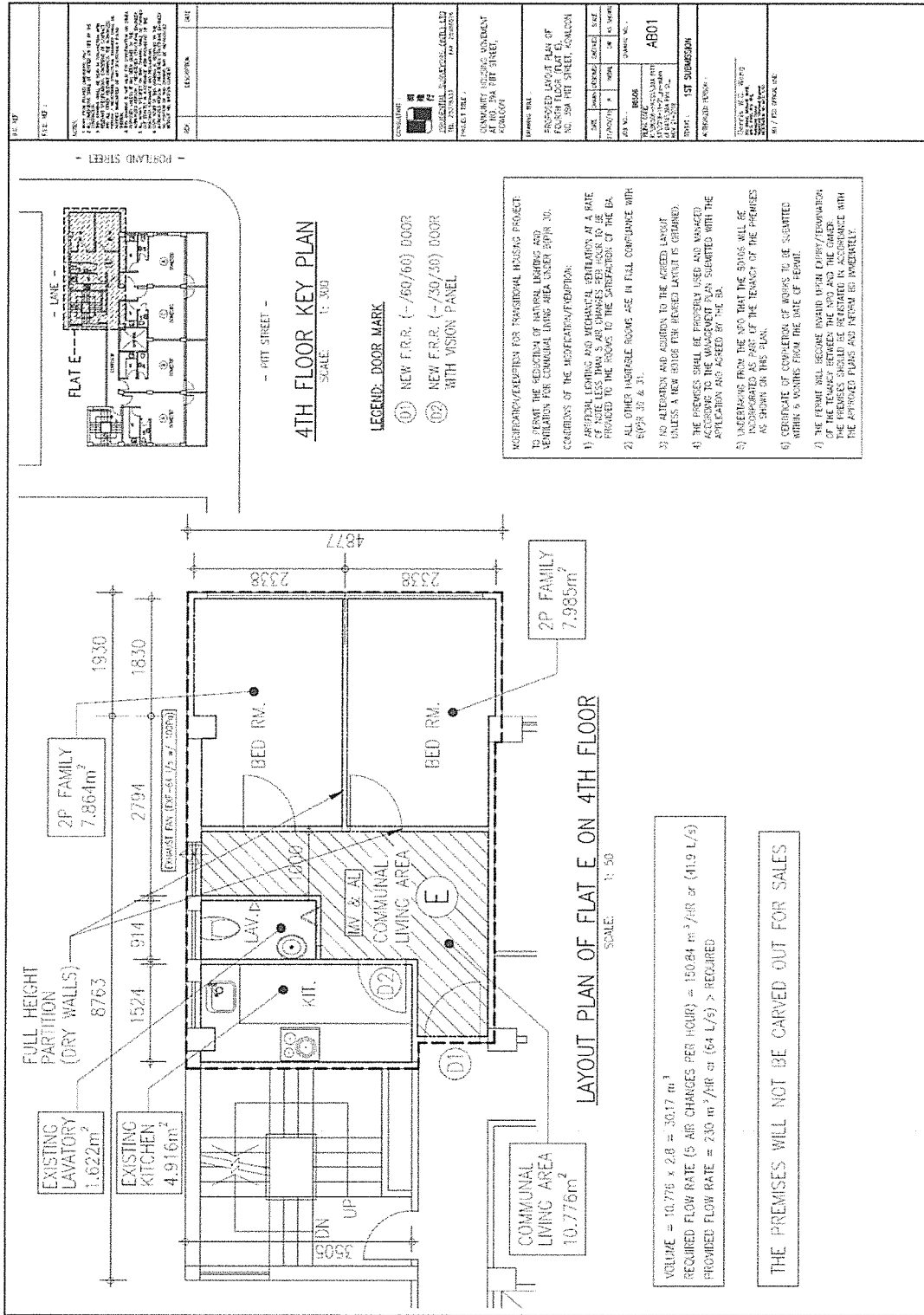
3.1 The following clauses should be incorporated in the tenancy agreement between the main tenant, operator and the sub-tenants of the premises:

- (a) The communal living area should be maintained as shown on the layout plan.
- (b) The artificial lighting and mechanical ventilation systems should be kept in good functioning condition.
- (c) No alteration should be carried out to the layout including walls, doors and windows (including their glazing and openable sashes), artificial lighting, mechanical ventilation systems of the premises.
- (d) Access by the agent of the owner, main tenant or operator for inspection, maintenance and repair of any part of the premises should be provided by the sub-tenants.

- 3.2 The main tenant should arrange proper maintenance of the premises, including arranging repair of the artificial lighting and mechanical ventilation systems if any of such is out of order.
- 3.3 A notice listing the requirements in paragraph 3.1 above should be displayed in a conspicuous position of the premises.

4. Annual Inspection of the Premises

- 4.1 An Authorized Person registered under the Buildings Ordinance should be appointed by the main tenant to inspect the premises annually and to submit the inspection certificate to the Building Authority.



10/18
FILE NO. 1

NOTES:
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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**Undertaking Letter for
Non-profit Making Organisation / Institution (NPO)**

Date: 26/11/2018

To the Building Authority

*I/We (name in full) 香港社會服務聯會 (Chinese) Hong Kong Council of Social Service (English) Of
Room 505, 5/F., Harcourt House, 39 Gloucester Road, Wanchai, HK

Telephone No. 3596 7560, Fax No. 3611 5379, incorporated under

, being the tenant of

4th Floor (Flat E), No. 39A Pitt Street, Kowloon

(the Premises) as shown on the plan(s) drawing number ABO1 submitted to the Building Authority on 26 Nov 2018 at the Appendix of the Management Plan in item (b) below, undertake the following:

- (a) *I/We will arrange, and cause those employed to manage the Premises for the purpose of non-profit making use as transitional housing under Community Housing Movement, to conduct the measures as stated in the attached Management Plan;
- (b) the relevant parts of the Management Plan will be incorporated into the tenancy agreements with occupants of the Premises;
- (c) a copy of the Management Plan will be properly kept at a conspicuous position of the Premises for the attention of occupants at all times; and
- (d) *I/We will notify the Building Authority if our tenancy agreement with the owner is terminated.

2. *I/We understand that *I/we may be liable to prosecution under section 40(2)(b) of the Buildings Ordinance if *I/we have breached or failed to perform any condition of a permit granted by the Building Authority under section 42 of the Buildings Ordinance in relation to the proposed works as shown on the plan(s) mentioned in paragraph 1 above.

3. *I/We understand that contravention of any condition of the permit mentioned in paragraph 2 above or expiry/termination of tenancy between me/us and the owner will render the permit invalid and the Premises should then be reinstated in accordance with the approved plans or to a state that fully complies with the Buildings Ordinance and regulations.

4. *I/We understand that the Building Authority may issue an order under sections 24 or 24AA of the Buildings Ordinance if any condition of the permit mentioned in paragraph 2 above is not complied with resulting in contravention of the Buildings Ordinance or its subsidiary regulations. As a result, the Premises shall be reinstated as specified in the order.



(Signature of representative with company chop)

(Name of representative)

Project Director

(Position held)

* Delete whichever is inapplicable

(10/2018)