

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/H20/192

<u>Applicant</u>	Ms. Yen Han Kwan represented by RHL Surveyors Limited
<u>Premises</u>	Workshop 2, 8/F, Block A, Ming Pao Industrial Centre, 18 Ka Yip Street, Chai Wan, Hong Kong
<u>Floor Area</u>	120 m ² (about)
<u>Lease</u>	CWIL 139 – restricted to industrial and/or godown purposes
<u>Plan</u>	Approved Chai Wan Outline Zoning Plan (OZP) No. S/H20/23
<u>Zoning</u>	“Industrial” (“I”) [Restricted to a maximum plot ratio of 12 and a maximum building height of 100mPD, or the plot ratio and height of the existing building, whichever is the greater.]
<u>Application</u>	Renewal of planning approval for temporary Office under Application No. A/H20/188 for a period of three years

1. The Proposal

- 1.1 The applicant seeks to renew the planning permission for using Workshop 2 (the premises), 8/F, Block A, Ming Pao Industrial Centre (the subject building) as an office for a lighting and related works company for three more years. The subject building falls within an area zoned “I” on the approved Chai Wan OZP No. S/H20/23 (**Plan A-1**). According to the Notes of the OZP for “I” zone, ‘Office (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The current planning permission for the premises is valid until 17.2.2020.
- 1.2 In support of the application, the applicant has submitted the application form with attachments (received on 21.11.2019) (**Appendix I**) and further information (received on 8.1.2020) (**Appendix Ia**). The layout on 8/F of the subject building and the floor plan of the premises submitted by the applicant are at **Drawings A-1 and A-2** respectively.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 10 of the application form at **Appendix I**. They are summarised as follows:

- (a) the area is dominated by industrial buildings intermingled with some industrial-office buildings;
- (b) the layout of the premises is typical of similar industrial buildings and can be used for office purposes. Office use is compatible with the existing uses in the vicinity;
- (c) the subject building is reasonably accessible, with the MTR station within a 10-minute driving distance. Various bus routes also serve the area. In this regard, heavy traffic demand from the office use is not expected. The increase in traffic due to the office use, if any, is considered to be minimal; and
- (d) the applicant has fulfilled all the planning conditions under the approved planning application (No. A/H20/188) and similar applications for office use in the vicinity have been approved by the Board.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines No. 25D for Use/Development Within “I” Zone (TPB PG-No. 25D) and No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) are relevant to this application.
- 4.2 The relevant assessment criteria under TPB PG-No. 25D for development within “I” Zone:
 - (a) for a proposed commercial use in an industrial building or on the upper floors of an industrial-office building, it should be demonstrated that there is a genuine need for the proposed use under application and no suitable alternative accommodation can be found in the vicinity. The location and scale of the proposed use should be justified on operational grounds;
 - (b) there should be an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road networks; and
 - (c) the Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed commercial use under application.

- 4.3 The relevant assessment criteria under TPB PG-No. 34B for renewal of planning approval:
- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant government departments within the specific time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.

5. **Previous Applications**

- 5.1 There is only one previous planning application (No. A/H20/188) for the same use concerning the premises which was submitted by the same applicant of the current application. The application was approved with condition by the Metro Planning Committee (the Committee) on 17.2.2017 on a temporary basis for a period of three years. A subsequent application (No. A/H20/188-1) for extension of time for compliance with approval condition was approved by the Director of Planning under the delegated authority of the Board on 9.8.2017. The temporary planning permission will lapse on 17.2.2020.
- 5.2 On 31.10.2017, the approval condition for Application No. A/H20/188-1 (i.e. the submission and implementation of fire safety measures including fire service installations and water supplies for firefighting) was complied with by the applicant.

6. **Similar Applications**

There were six similar applications (Nos. A/H20/34, 39, 41, 45, 78 and 129) for office use within "I" zone on the Chai Wan OZP (**Appendix II and Plan A-1**). Application No. A/H20/41 was rejected by the Board on 20.4.1990 on the ground of excessive proportion of office use and there was no reason why the commercial operations of the company cannot be carried out in an office building. Application Nos. A/H20/34, 39, 45, 78 and 129 were approved with/without conditions by the Board on 26.5.1989, 24.11.1989, 23.11.1990, 10.1.1997 and 24.10.2003 respectively, among which Application Nos. A/H20/45 and 78 were approved on a temporary basis for three years as it was considered that a period of three years would be sufficient for the companies to plan and relocate to an industrial-office building.

7. **The Application Premises and Its Surrounding Areas** (Plans A-1 to A-2 and photos on Plan A-3)

7.1 The premises is:

- (a) located on the 8/F of Block A, Ming Pao Industrial Centre in Chai Wan; and
- (b) currently in use as a temporary office for a lighting and related works company with planning permission under application No. A/H20/188.

7.2 The subject building:

- (a) is a 19-storey industrial building; and
- (b) has the following current uses:

Floor	Current Uses
G/F	Lift lobby and caretaker's office
1/F – 3/F	Car park and loading/unloading area
4/F – 19/F	Art studio, industrial uses (including workshops, printing and publishing and food supplies companies), information technology and telecommunications industries, offices and warehouses (application premises on 8/F)

7.3 The surrounding area has the following characteristics:

- (a) the developments along Ka Yip Street are predominantly industrial in nature;
- (b) the ground floors of the nearby industrial buildings are used for various purposes including warehouses, vehicle repair workshops, canteens, shop and services; and
- (c) the area is well served by public transport including buses and mini buses.

8. **Planning Intention**

The “I” zone is intended primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries and office related to industrial use are also always permitted in this zone.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Hong Kong East, Lands Department (LandsD):

- (a) the subject building is erected on Chai Wan Inland Lot No. 139 which is restricted to industrial or godown purposes or both excluding offensive trade under the Conditions of Sale No. 12021; and
- (b) the owner of the premises has applied to this office for a temporary waiver which is being processed in accordance with LAO Practice Note No. 4/2019. If planning approval from the Board is given, temporary waiver would be required to give effect to the approved use. However, there is no guarantee that such application will be approved. If it is approved by LandsD acting in its capacity as the landlord at its absolute discretion, it will be subject to such terms and conditions including, among others, payment of waiver fees, as may be imposed by LandsD.

Industrial Land

9.1.2 Comments of the Director-General of Trade and Industry:

He has no comment on the application if a temporary approval of three years is imposed as it will not jeopardize the long term use of the premises for industrial related uses.

9.1.3 Comments of the Chief Town Planner/Housing & Office Land Supply, Planning Department:

- (a) the premises is located in an industrial building (IB) which falls within an area zoned "Industrial" on the approved Chai Wan OZP No. S/H20/23;
- (b) according to the 2014 Area Assessments of Industrial Land in the Territory (IAA), in view of the low vacancy rate and the relatively high usage for industrial use (including both warehouse/storage and manufacturing/workshop), it is recommended to retain the "I" zoning covering the Chai Wan Industrial Area; and
- (c) the area is one of the assessment areas of the 2019 IAA which aims to obtain an updated overview on utilization of the existing private IBs and consider future planning of industrial land with the objective of meeting the changing needs and optimizing the utilization of land resources in the territory. The 2019 IAA is targeted to be completed in 2020.

Building

9.1.4 Comments of the Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (BD):

- (a) plans for building works (if any) in connection with the proposed use in the premises should be submitted for approval under the Buildings Ordinance and detail checking would be made upon formal plans submission stage; and
- (b) the applicant is advised to ensure compliance with natural lighting and ventilation requirements under Building (Planning) Regulation 30.

Transport

9.1.5 Comments of the Commissioner for Transport:

He has no objection in principle to the application from traffic point of view given that the proposal involves a minimal change of use in terms of floor area.

Fire Safety

9.1.6 Comments of the Director of Fire Services:

He has no objection in principle to the renewal application subject to all fire service installations (FSIs) and equipment as required by FSD being maintained in an efficient working order at all time. Re-submission of FSIs proposal is not required given that a statement on no-change to layout/use/FSIs proposal and the relevant valid Certificates of FSI (FS 251) have been submitted by the applicant.

9.2 The following government departments have no comment on the application:

- (a) Chief Highway Engineer/Hong Kong, Highways Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (d) Commissioner of Police;
- (e) District Officer (Eastern), Home Affairs Department; and
- (f) Director of Environmental Protection.

10. Public Comments Received During Statutory Publication Period

On 29.11.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.12.2019, no comment was received.

11. Planning Considerations and Assessment

- 11.1 The application is for renewal of the planning permission for using the premises as an office for a lighting and related works company for three more years. The subject building falls within an area zoned “T” on the approved Chai Wan OZP No. S/H20/23. According to the Notes of the OZP for “T” zone, ‘Office (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Board. The current planning permission for the premises under application No. A/H20/188 is valid until 17.2.2020. The current application is the same as the previously approved application in terms of the area/application boundary, applied use, development parameters and layout as well as the period of planning permission.
- 11.2 The application generally complies with the relevant assessment criteria in the TPB PG-No. 25D including the fire safety and traffic aspects. Relevant government departments including BD, FSD and the Transport Department have no objection to or no adverse comment on the application.
- 11.3 The application also generally complies with TPB PG-No. 34B in that there has been no major change in planning circumstances since the last approval; no adverse planning implication would arise from the renewal of the planning approval; the approval condition under the previously approved Application No. A/H20/188 has been complied with; and the approval period sought is reasonable.
- 11.4 No public comment on the application was received during the statutory publication period.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years from 17.2.2020 until 17.2.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing fire service installations implemented at the premises should be maintained in efficient working order at all times during the planning approval period; and
- (b) if the above planning condition is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s) to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

Attachments

Appendix I	Application form with attachments received on 21.11.2019
Appendix Ia	Further information received on 8.1.2020
Appendix II	Details of similar applications
Appendix III	Advisory clauses
Drawings A-1 & A-2	Plans submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Site photos

**PLANNING DEPARTMENT
JANUARY 2020**