

MPC Paper No. A/H8/428
For Consideration by the
Metro Planning Committee
on 2.3.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H8/428

- Applicant** : Mr. Lok Siu Ming represented by Landscape Surveyors Limited
- Premises** : 9th Floor, Lok's Industrial Building, 204 Tsat Tsz Mui Road, North Point, Hong Kong
- Total Floor Area** : About 253m²
- Lease** : Inland Lot (IL) 6895 s.A
(a) a lease term of 75 years commencing from 8.9.1952, renewable for a further term of 75 years

(b) for factory purpose and no domestic buildings shall be erected thereon
- Plan** : Approved North Point Outline Zoning Plan S/H8/26
- Zoning(s)** : "Residential (Group E)" ("R(E)")
- [Remarks: No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height of 120mPD, or height of the existing building, whichever is the greater.]
- Application** : Proposed Office

1. **The Proposal**

- 1.1 The applicant seeks planning permission for the proposed office use at the 9th Floor of the existing 15-storey Lok's Industrial Building (the Premises), at 204 Tsat Tsz Mui Road, North Point, Hong Kong (**Plan A-1**).
- 1.2 According to the Notes of the OZP for "R(E)" zone, 'Office' use (excluding Audio-visual Recording Studio, Design and Media Production, Office Related to Industrial Use only), in an existing industrial building is a Column 2 use requiring planning permission from the Town Planning Board (the Board).
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 11.1.2018 (**Appendix I**)
 - (b) Supplementary planning statement (**Appendix Ia**)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

- 2.1 Lok's Industrial Building was designed with lavatory, fire services installations (FSI), lifts and loading/unloading parking facilities. The proposed use is not incompatible with the other uses within the subject industrial building;
- 2.2 The proposed office will be exclusively used as general office without direct customer goods or services provision to the general public. Traffic generated from the proposed office use will be even less than the existing use and will not generate adverse traffic impact;
- 2.3 There were 3 applications (Application Nos. A/K3/540, A/K3/542 and A/K3/566) for office use within "R(E)" zone approved by the Board between 16.3.2012 to 8.5.2015, office use is therefore not incompatible with "R(E)" zone; and
- 2.4 The proposed office will not generate burden or detrimental to drainage, sewerage, fire safety, environmental quality such as air and noise of the immediate neighborhood.

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. **Background**

Lok's Industrial Building, in which the Premises is located, was rezoned together with other industrial buildings in North Point from "Industrial" ("I") zone to "R(E)" in 1999 under the then draft North Point OZP No. S/H8/8 to phase out the existing industrial uses through redevelopment or conversion to residential use.

5. **Previous Application**

There is no previous application at the Premises.

6. **Similar Application**

There is one similar application (A/H8/363) for office use within "R(E)" zone in North Point. The application was approved with condition by the Metro Planning Committee on 25.7.2003. Details of the application are at **Appendix II**.

7. **The Premises and Its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Premises:

- (a) occupies the entire 9th floor of Lok's Industrial Building; and
- (b) is currently used as media production workshop.

7.2 The current uses of Lok's Industrial Building by floors are summarized below:

Floor	Current Uses
G/F	Shop, warehouse, parking and loading/unloading area
1/F	Vacant
2/F	Industrial-related offices
3/F	Textiles design workshop and ancillary office
4/F	Printing shop
5/F	Industrial-related offices
6/F	Printing shops and yoga studio
7/F	Design and media production workshops and industrial-related office
8/F	Design and media production workshop
9/F	Media production workshop (the Premises)
10/F	Showroom and industrial-related office
11/F	Design workshop
12/F to 14/F	Printing shop

7.3 The surrounding areas have the following characteristics:

- (a) the subject industrial building abutting Tsat Tsz Mui Road is situated in the middle of a row of industrial buildings zoned “R(E)”, with existing residential developments to its further east and west;
- (b) to the north across Tsat Tsz Mui Road is an existing office building and a new office development under construction;
- (c) to the south and southeast are the Chinese Methodist Church with its school complex and the Hong Kong Federation of Youth Groups Building respectively (**Plan A-2**); and
- (d) the area is well served by various modes of public transport including buses, public light buses and MTR, Quarry Bay MTR station Exit C is located about 60m to the southeast of the subject industrial building (**Plan A-2**).

8. **Planning Intention**

The planning intention of “R(E)” is primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

9. **Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application and/or the public comments received are summarized as follows:

Land Administration

9.1.1 Comments of the District Land Officer/East, Lands Department (DLO/E, LandsD):

- (a) no objection to the application;
- (b) the premises falls within IL 6895 s.A (“the Lot”). Pursuant to Conditions of Sale No. 4809 governing the Lot, the Lot shall only be used for a factory and no domestic buildings shall be erected thereon except such as the Director of Public Works may consider reasonable for housing staff and workmen employed on the premises; and

- (c) the proposed office use of the premises does not comply with the above conditions. If planning approval from the Board is given, the owner of the premises needs apply to this office for a waiver to permit the proposed use under the lease. 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 fees, as imposed by LandsD.

Building Matters

9.1.2 Comments of the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department (CBS/HKE&H, BD):

- (a) no objection to the application; and
- (b) detailed checking for compliance with the Buildings Ordinance will be made upon building plans submission stage.

Fire Safety

9.1.3 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application provided that the proposed office is used as general office and shall not involve direct provision of customer services or goods and fire services installation and water supplies for firefighting being provided to the satisfaction of his department; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

9.1.4 Comments of the District Officer/East, Home Affairs Department (DO/E, HAD):

- (a) no comment on the application; and
- (b) Eastern District Council member of the subject constituency and Area Committee members have been consulted and they have no objection.

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

- (a) Director of Environmental Protection
- (b) Commissioner of Police
- (c) Assistant Commissioner for Transport/Urban, Transport Department
- (d) Project Manger (South), Civil Engineering and Development Department
- (e) Chief Engineer/Hong Kong & Islands, Drainage Services Department
- (f) Chief Engineer/Construction, Water Supplies Department
- (g) Chief Highway Engineer/Hong Kong, Highways Department

10. Public Comments Received During Statutory Publication Period

On 19.1.2018 the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.2.2018, no public comment was received.

11. Planning Considerations and Assessments

11.1 The planning intention of “R(E)” zone is to phase out existing industrial uses through redevelopment (or conversion) for residential use. As the application is to convert only the Premises (i.e. 9th floor of the subject industrial building) to office use, which is not fully in line with the planning intention of the “R(E)” zone, it would not jeopardize the long-term planning intention of the zone.

11.2 The proposed office use is not incompatible with other uses of the subject industrial building which are mainly for warehouses, workshops, printing shops and industrial related offices. As the proposed office would only occupy about 253 sq.m. (the 9th floor) of the subject industrial building and would not involve direct provision of customer services or goods, it is unlikely to have adverse traffic, environmental and fire safety impacts. All relevant government departments including TD, FSD and EPD, have no adverse comments on the application. There is also no local/public comment.

12. Planning Department’s Views

12.1 Based on the assessment made in paragraph 11 above, 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 until 2.3.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is

commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of fire safety measures to the satisfaction of the Director of the Fire Services or of the Town Planning Board before operation of the use; and
- (b) if the above planning condition (a) is not complied with before the operation of the applied use, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory Clauses

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

12.3 There is no strong reason to reject the subject 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), if any, 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Applicant Form received on 11.1.2018
Appendix Ia	Supplementary Planning Statement
Appendix II	Similar Application within "R(E)" zone in North Point from 1.1.2000 to 2.3.2018
Appendix III	Advisory Clauses
Drawing A-1	Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 & 4	Site Photos

**PLANNING DEPARTMENT
March 2018**