

Similar Applications on the G/F of Kowloon Bay Industrial Centre

<u>Application No.</u>	<u>Unit</u>	<u>Applied Uses</u>	<u>Floor Area (about)</u>	<u>Date of Decision</u>	<u>Decision</u>
Uses applicable for maximum permissible limit of 460m ² for aggregate commercial floor area on G/F of an industrial building (with sprinkler systems), in accordance with FSD's Circular Letter No. 4/96 (Part X)					
Planning applications covering the Premises					
A/K13/176	1C	Shop and Services (Real Estate Agency)	16.17m ²	12.3.2004 (lapsed)	Approved
A/K13/303	1C	Shop and Services	15.85m ²	7.4.2017 (revoked on 7.4.2018)	Approved
Planning applications at other premises on the G/F					
A/K13/182	1B2	Wholesale trade cum Shop and Services (Stationery)	57.86m ²	16.7.2004	Approved
A/K13/183	1B1	Shop and Services (Real Estate Agency)	30.165m ²	16.7.2004	Approved
A/K13/185	8B	Shop and Services (Real Estate Agency)	18.85m ²	16.7.2004	Approved
A/K13/191	17	Shop and Services (Fast Food cum Retail Shop)	58.64m ²	28.1.2005	Approved
A/K13/192	5 (before subdivided to 5A and 5B)	Shop and Services (Fast Food cum Retail Shop)	130.68m ²	28.1.2005 (lapsed)	Approved
A/K13/193	4 (Portion)	Shop and Services (Real Estate Agency/Retail Shop)	25.9m ²	18.2.2005	Approved
A/K13/194	8A1, 8A2, 8A3, 8A4, 8A5 and 8A6	Temporary Shop and Services (Retail Shop and Real Estate Agency) for a Period of 3 Years	80m ²	18.3.2005 (lapsed)	Approved
A/K13/208	5A (Portion)	Temporary Shop and Services for a Period of 3 Years	24m ²	25.11.2005 (lapsed)	Approved
A/K13/213	5A	Temporary Shop and Services (Estate Agent Office) for a Period of 3 Years	54m ²	7.4.2006 (revoked on 7.10.2006)	Approved
A/K13/216	3 (Portion)	Shop and Services (Convenience Store)	49m ²	20.10.2006 (revoked on 20.10.2008)	Approved
A/K13/218	5A	Temporary Shop and Services (Estate Agent Office) for a Period of 3 Years	54m ²	5.1.2007 (revoked on 5.1.2008)	Approved
A/K13/221	5B (Portion)	Temporary Shop and Services (Retail Uses) for a Period of 5 Years	45.9m ²	27.7.2007 (lapsed)	Approved for 3 years
A/K13/228	8A1, 8A2, 8A3, 8A4, 8A5 and 8A6	Shop and Services (Retail Shop and Real Estate Agency)	80m ²	2.11.2007	Approved

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A/K13/233	5A	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	54m ²	20.6.2008 (revoked on 20.9.2008)	Approved
A/K13/236	3 (Portion)	Shop and Services	49m ²	23.1.2009 (revoked on 23.7.2009)	Approved
A/K13/251	3 (Portion)	Shop and Services	48.88m ²	29.1.2010 (revoked on 29.7.2010)	Approved
A/K13/267	4A	Shop and Services	37.5m ²	15.4.2011	Approved
A/K13/268	4B	Shop and Services	25.9m ²	15.4.2011	Approved
A/K13/288	5B (Portion)	Shop and Services	45.9m ²	7.2.2014	Approved
Total floor areas of approved applications:			354.815m ² *		
A/K13/186	2	Shop and Services (Fast Food Shop)	219.458m ²	16.7.2004	Rejected#
A/K13/189	17	Shop and Services (Fast Food Shop)	58.46m ²	15.10.2004	Rejected#
A/K13/207	3 (Portion)	Shop and Services (Convenience Store)	98.5m ²	25.11.2005	Rejected@
A/K13/215	3 (Portion)	Shop and Services (Convenience Store)	98.5m ²	28.4.2006	Rejected@
A/K13/227	2	Shop and Services (Retail Shop)	216.69m ²	28.9.2007	Rejected@
A/K13/229	2 (Portion)	Shop and Services	15.735m ²	9.5.2008	Rejected@
Total floor areas of rejected applications:			376.418m ²		
Other applications approved by the Committee that floor area not accounted for aggregated commercial floor area in FSD's assessment					
A/K13/179	4 (Portion)	Shop and Services (Retail Shop - Electrical Products)	26.83m ²	25.6.2004	Approved
A/K13/180	6 (Portion)	Shop and Services (Retail Shop - Metalware)	14.53m ²	16.7.2004	Approved
A/K13/184	1A	Shop and Services (Retail Shop - Metalware)	95.16m ²	16.7.2004	Approved
A/K13/206	2	Shop and Services (Bank)	223m ²	11.11.2005	Approved

Rejection reasons being that the use is considered not acceptable from fire safety point of view; and that the approval would set an undesirable precedent for similar applications in the industrial buildings.

@ Rejection reasons being that the application is not acceptable from fire safety point of view.

* The total floor area of 354.815m² have excluded the floor areas in overlapping premises and approved cases of which planning permission lapsed or has been revoked.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the ‘Shop and Services’ use at the application premises;
- (c) to note the comment of the Director of Fire Services to comply with the Code of Practice for Fire Safety in Buildings administered by the Buildings Department;
- (d) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) to appoint an Authorized Person to assess the feasibility of the proposed alterations and additions works/change of use and whether building plans are required to be submitted to demonstrate compliance with the Buildings Ordinance (BO), in particular:
 - (i) for unauthorized building works (UBW) erected on private land/ buildings, enforcement action may be taken by the Building Authority (BA) to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning permission should not be construed as an acceptance of any existing building works or UBW on the application premises under the BO;
 - (ii) the applicant’s attention is drawn to Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the BA has no power to give retrospective approval or consent for UBW; and
 - (iii) detailed comments under the BO can only be formulated at the building plan submission stage.