

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K13/311**

- Applicant** : Ms AU YEUNG Sui Yee
- Premises** : Unit 1C, G/F, Kowloon Bay Industrial Centre, 15 Wang Hoi Road,  
Kowloon Bay, Kowloon
- Total Floor Area of Premises** : About 15.85 m<sup>2</sup>
- Lease** : (a) New Kowloon Inland Lot (NKIL) 5833  
(b) Restricted to industrial and/or godown (excluding offensive trades) purposes
- Plan** : Draft Ngau Tau Kok and Kowloon Bay Outline Zoning Plan (OZP) No. S/K13/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [subject to a maximum plot ratio (PR) of 12.0 and a maximum building height of 120 metres above Principal Datum, or the PR and the height of the existing building(s), whichever is the greater]
- Application** : Shop and Services

1. **The Proposal**

- 1.1 The applicant seeks planning permission to continue the use of the application premises (the Premises) for ‘Shop and Services’ use. The Premises, currently used as a money exchange cum lending shop, occupies Unit 1C on the G/F of an existing industrial building, namely Kowloon Bay Industrial Centre at 15 Wang Hoi Road, Kowloon Bay. The building falls within an area zoned “OU(B)” on the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/29 (**Plan A-1**). According to Schedule II of the Notes of the OZP for the “OU(B)” zone, ‘Shop and Services (not elsewhere specified)’ on the G/F of an industrial or industrial-office (I-O) building is a Column 2 use and planning permission from the Town Planning Board (the Board) is required.
- 1.2 The Premises is the subject of two previous planning applications (i.e. Nos.

A/K13/176 and A/K13/303) (**Plan A-3**) with the latter one submitted by the same applicant for the same use. That application was approved by the Metro Planning Committee (the Committee) of the Board on 7.4.2017. Due to the non-compliance of approval condition on the submission and implementation of fire safety measures, the planning permission was revoked on 7.4.2018.

- 1.3 In support of the application, the applicant has submitted an application form (**Appendix I**) which was received by the Board on 19.9.2018.
- 1.4 Plans showing the layout of the G/F of the subject building and the Premises as well as the fire service installation plan submitted by the applicant are at **Drawings A-1 to A-3**.

## 2. **Justifications from the Applicant**

The justification put forth by the applicant in support of the application is set out in **Appendix I**. Due to the need for appointment of fire service installation contractor to prepare and make submission to Fire Services Department (FSD), time is not sufficient to complete the fire safety measures to the satisfaction of FSD under the previous planning application No. A/K13/303. A fresh application for the 'Shop and Services' use is therefore submitted. A new contractor has been appointed to complete the fire service installations (FSI) with Certificate of FSI and Equipment (FS251), Certificate of Compliance (FSI/314A) and FSI layout plan attached to the application form.

## 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**

The Town Planning Board Guidelines for Development within "OU(B)" Zone (TPB PG-No. 22D) promulgated in September 2007 are relevant in the following aspects:

- (a) the "OU(B)" zone has been introduced to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the "OU(B)" zone is primarily for general employment uses;
- (b) whilst it is the intention to provide greater flexibility in the use of the existing industrial or I-O buildings before such buildings are redeveloped, it is necessary to ensure that the fire safety and environmental concerns are properly addressed. In view of the possible presence of existing polluting and hazardous industrial uses, it is necessary to ensure compatibility of the uses within the same building until the whole building is modified/converted to accommodate the new non-polluting and less fire hazard-prone uses;

- (c) the FSD should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the aggregate commercial floor areas on the G/F of an existing industrial/I-O building with and without sprinkler systems should not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. For any application which would result in a slight exceedance of the relevant floor area limit, the applicant has to demonstrate that the fire safety concern can be satisfactorily addressed, and each case will be considered by the Board on its own merit. The above limits on commercial floor area do not apply to uses which are ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the industrial or I-O building. These uses include bank, fast food counter, electrical shop, local provisions store and showroom in connection with the main industrial use. In all cases, separate means of escape should be available for the commercial portion; and
- (d) for all new development, redevelopment, conversion and material change of use, adequate parking and loading/unloading spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines, and all other statutory or non-statutory requirements of relevant Government departments must also be met.

## 5. Previous Applications

The Premises is the subject of two previous planning applications (Nos. A/K13/176 and A/K13/303) (**Plan A-3**). The planning application No. A/K13/176 covering a slightly larger area (16.17m<sup>2</sup>) for 'Shop and Services (Real Estate Agency)' use was approved with conditions by the Committee of the Board on 12.3.2004. However, the planning permission had lapsed. Details of planning application No. A/K13/303 for 'Shop and Services' use are set out in paragraph 1.2 above.

## 6. Similar Applications

- 6.1 The Committee has so far considered 31 planning applications (including the two previous applications mentioned in paragraph 5 above) for various shop and services uses at the premises on the G/F of the subject industrial building. Whilst 25 of these applications were approved by the Committee, 6 were rejected by the Committee for fire safety reasons. Details of the planning applications are shown in the table at **Appendix II** and **Plan A-3**:
- 6.2 Should the Committee approve the planning application, the total approved commercial floor area on the G/F of the subject building will be 370.665 m<sup>2</sup>, i.e. 354.815 m<sup>2</sup> + 15.85 m<sup>2</sup>, which is within the maximum permissible limit of 460 m<sup>2</sup> on G/F of an industrial or I-O building with a sprinkler system.

7. **The Premises and Its Surrounding Areas** (Drawings A-1 and A-2, Plans A-1 and A-2, and Site Photos on Plans A-4 and A-5)

7.1 The Premises:

- (a) occupies Unit 1C on the G/F of Kowloon Bay Industrial Centre at 15 Wang Hoi Road in Kowloon Bay (**Plan A-4**);
- (b) locates at the junction of Wang Hoi Road and Lam Fook Street with a direct entrance at Lam Fook Street (**Plan A-4**); and
- (c) is currently used as a money exchange cum lending shop (**Plan A-5**).

7.2 The subject building is:

- (a) a 11-storey industrial building with an additional basement floor for carpark use bounded by Wang Tai Road, Wang Hoi Road and Lam Fook Street;
- (b) equipped with a sprinkler system; and
- (c) the current uses by floor are summarized as follows:

G/F	Unit 1C ( <b>The Premises</b> currently used as money exchange cum lending shop), metalware shop, tailoring, office, logistic facility, canteens, warehouses, workshops, shop and services <sup>[1]</sup> , eating places <sup>[1]</sup> and vacant/locked units
1/F – 10/F	Workshops, warehouses, offices, art studios, private kitchens <sup>[1]</sup> and retail shops <sup>[1]</sup>

<sup>[1]</sup> There is no record of approval granted for such uses at some of the units.

7.3 The surrounding areas have the following characteristics:

- (a) the locality is mainly occupied by industrial or I-O buildings, including Kingsford Industrial Centre, Hoplite Industrial Centre and Shun Fat Industrial Building to its south, west and north respectively;
- (b) to its east across Wang Hoi Road is Telford House, a commercial development with a pedestrian footbridge across Wai Yip Street connecting Telford Gardens and MTR Kowloon Bay Station; and
- (c) the units on the G/F of the neighbouring industrial buildings are mainly used for shop and services purposes such as banks, real estate agencies, metalware shops, florist shops and eating places while workshops and showrooms can also be found in other G/F units in the industrial buildings.

8. **Planning Intention**

The planning intention of “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial,

office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.

9. **Comments from Relevant Government Departments**

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

Land Administration

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

- (a) He has no objection to the application.
- (b) The Premises falls within NKIL 5833 and is held under Conditions of Sale No. 11468 dated 15.1.1981, that restricts the Lot to be used for the purposes of industrial and/or godown (excluding offensive trades). Pursuant to a Waiver Letter dated 27.8.2009, the Premises is allowed to be used as real estate agencies for a term of six months from 27.2.2008 and thereafter quarterly.
- (c) The proposed shop and services use as well as the existing use of money exchange are in breach of the Conditions and the Waiver. The applicant has submitted an application to LandsD for a temporary waiver for the use of money exchange at the Premises. In the absence of a valid planning permission for the proposed use, the application cannot be processed. Without prejudice to Government’s right to take appropriate lease enforcement action against the existing breach, should the planning application be approved by the Board, the application for the temporary waiver will be processed under the established mechanism. However, there is no guarantee that the temporary waiver would be approved and if the application is eventually approved by LandsD in the capacity as the landlord at its discretion, it will be subject to those terms, including payment of administration fee and waiver fee, as imposed by LandsD.
- (d) The floor area of the Premises submitted by the applicant is different from LandsD’s record. The applicant is required to demonstrate the dimensions and calculation of the floor area when the waiver application is processed.

Fire Safety

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

- (a) He has no objection to the application for ‘Shop and Services’ use

as the Certificate of FSI and Equipment (FS251), Certificate of Compliance (FSI/314A) and FSI layout plan attached to the application form concerning the provision of FSI for the Premises are satisfactory to his department.

- (b) The building is protected by sprinkler system so that the maximum permissible aggregated commercial floor area on the G/F is 460m<sup>2</sup> in accordance with TPB PG-No. 22D. The applied use should be counted up to the aggregated commercial floor area.
- (c) Regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the Code of Practice for Fire Safety in Buildings which is administered by the Buildings Department.

### Building Matters

#### 9.1.3 Comments of the Chief Building Surveyors/Kowloon, Buildings Department (CBS/K, BD):

- (a) He has no in-principle objection to the application.
- (b) The applicant is advised 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).
- (c) 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 Premises under the BO.
- (d) 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.
- (e) Detailed comments under the BO can only be provided at the building plan submission stage.

#### 9.2 The following Government departments have no comment/no objection on the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Commissioner for Transport (C for T);

- (e) Director of Food and Environmental Hygiene; and
- (f) District Officer (Kwun Tong), Home Affairs Department.

#### 10. **Public Comments Received During Statutory Publication Period**

On 28.9.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.10.2018, no comment was received.

#### 11. **Planning Considerations and Assessments**

- 11.1 The application is to seek planning permission to continue the use of the Premises for 'Shop and Services' use. The Premises, currently used as a money exchange cum lending shop, is located within the "OU(B)" zone which is intended for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the use would not induce adverse fire safety and environmental impacts. The 'Shop and Services' use at the Premises under application is considered generally in line with the planning intention.
- 11.2 Kowloon Bay Business Area is being transformed into commercial use with many similar approved applications for 'Shop and Services' use on the G/F of industrial or I-O buildings in the vicinity. The 'Shop and Services' use at the Premises is not incompatible with the surrounding areas. For the subject building, 25 planning applications were approved for 'Shop and Services' use on the G/F while 13 of them are still valid. Regarding the Premises, two planning applications (Nos. A/K13/176 and A/K13/303) for real estate agency use and 'Shop and Services' use respectively were approved with conditions by the Committee. The former has lapsed and the latter was revoked due to non-compliance with the approval condition on fire safety measures before the specified date.
- 11.3 In support of the planning application, the applicant has included the Certificate of FSI and Equipment (FS251), Certificate of Compliance (FSI/314A) and FSI layout plan (**Drawing A-3**) to demonstrate the implementation of the fire safety measures to meet the requirements of the D of FS. D of FS has also confirmed that the fire services requirements are satisfactory.
- 11.4 The 'Shop and Services' use at the Premises complies with the TPB Guidelines for Development within the "OU(B)" zone (TPB PG-No.22D) in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas. Government departments consulted including D of FS, CBS/K, BD and C for T have no objection to/comment on the application.
- 11.5 As confirmed by D of FS, the subject building is equipped with a sprinkler system and subject to a maximum permissible limit of 460m<sup>2</sup> for aggregated commercial floor area on the G/F in accordance with TPB PG-No. 22D. The total commercial floor area for 'Shop and Services' use approved by the

Committee on the G/F of the subject building is 354.815m<sup>2</sup>. Should the Committee approve the planning application, the total approved commercial floor area on G/F of the subject building will be 370.665m<sup>2</sup>, which is still within the maximum permissible limit of 460m<sup>2</sup> as stated above.

11.6 There is no public comment received on the application.

## 12. **Planning Department's Views**

12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the 'Shop and Services' use under application has been in operation at the Premises. No approval condition is required as fire services requirements have been provided to the satisfaction of D of FS.

### Advisory Clauses

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

12.4 There is no strong planning 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), if any, to be attached to the permission.

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.

## 14. **Attachments**

<b>Appendix I</b>	Application form received on 19.9.2018
<b>Appendix II</b>	Similar Applications on the G/F of the subject building
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Ground floor plan of the subject building
<b>Drawing A-2</b>	Floor plan of the Premises
<b>Drawing A-3</b>	Fire service installation plan



<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Similar applications on the G/F of the subject building
<b>Plans A-4 and A-5</b>	Site photos

**PLANNING DEPARTMENT  
NOVEMBER 2018**