

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K14/754

- Applicant** : Wong Wai King & Tang Sik Oi represented by S. K. Pang Surveyors & Co. Ltd.
- Site** : Car Parking Space No. 1, G/F, Po Yip Building, 23 Hing Yip Street, Kwun Tong, Kowloon
- Gross Floor Area (GFA)** : About 20.6m²
- Lease** : (a) Kun Tong Inland Lot (KTIL) No. 49
(b) Restricted to a factory for manufacture purpose
- Plan** : Draft Kwun Tong (South) Outline Zoning Plan (OZP) No. S/K14S/21
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [Maximum plot ratio (PR) of 12 and maximum building height of 130 meters above Principal Datum or the PR and the height of the existing building(s), whichever is the greater]
- Application** : Proposed Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services’ use. The Premises occupies an existing light goods vehicle (LGV) parking space on G/F of an industrial building, namely Po Yip Building, at 23 Hing Yip Street, Kwun Tong. It falls within an area zoned “OU(B)” on the draft Kwun Tong (South) OZP No. S/K14S/21 (**Plan A-1**). According to Schedule II of the Notes of the OZP for the “OU(B)” zone, ‘Shop and Services’ on 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 According to the applicant and our recent site inspection, the Premises is currently used as a car parking space.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 8.12.2017 (Appendix I)
 - (b) Planning justifications received on 8.12.2017 (Appendix Ia)
 - (c) Further information (FI) from the applicant received on 22.3.2018 providing responses to departmental comments including a Swept Path Analysis (SPA) for the Premises (Appendix Ib)

- 1.4 Ground floor layout plan and location plan of the building, and SPA drawing for 7m-long LGV in accessing the Premises as submitted by the applicant are at **Drawings A-1 to A-3**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in **Appendix Ia** and the FI dated 22.3.2018 at **Appendix Ib**, and summarized as follows:

In Line with the Lease and the Hong Kong Planning Standards and Guidelines (HKPSG)

- (a) According to the approved building plans of the building, there are 11 nos. LGV parking spaces on G/F. These parking spaces are provided in accordance with the Government lease (i.e. “the said Leasee... will provide within the demised premises adequate space for parking or loading/loading (L/UL) of motor vehicles to the satisfaction of the (then) Director of Public Works...”), in which no minimum number of car parking space is specified nor a car park layout plan be required to be approved. The conversion of the Premises will not significantly reduce the number of parking spaces in the building. With the total GFA of the building of about 9,610m², the remaining provision of 10 parking spaces can meet the parking requirement of 8 to 9.6 nos. under HKPSG (i.e. 1 space per 1,000m² to 1,200m² of the GFA for an industrial building).
- (b) The approval of the application will not set an undesirable precedent for similar applications in the building as further reduction of parking spaces will result in the provision falling below the HKPSG requirement, breaching the provision of the Lease, thus a rejection of the subsequent application is expected.

Compatible with Other Uses in the Building

- (c) There is no polluting industrial use in the building. Most of the upper-floor units are occupied by small-sized office use not providing direct customer service. The remaining units are for storage. The proposed use will not cause undue inconvenience to the occupiers of the building. It is more receptive in terms of nuisance generated than ‘Petrol Filling Station’ and ‘Vehicle Repair Workshop’ uses which are also Column 2 uses under Schedule II of the “OU(B)” zone.
- (d) The adjoining workshop unit on G/F, occupied by a banner manufacturer, has a separate and independent access onto Hing Yip Street (**Drawing A-1**). The Premises is also distinctly separated from the uses on upper floors of the building. Fire hazard and environmental impacts are thus minimal.

No Adverse Impact on Traffic/Parking Provisions to the Vicinity and the District

- (e) The office and storage uses of the building are not attracting a large number of visitors, and the workers/visitors are mass transit prone. The existing 11 LGV parking spaces in the building are not fully occupied in normal business hours as the demand for L/UL of goods is minimal comparing with the former industrial uses. No queuing for parking, L/UL or obstruction arising from such has emerged in the past decade. The proposal will not worsen the traffic conditions inside the building nor generate undue pressure on the capacity of the roads in vicinity and the district as it is small in scale and local in nature.

- (f) Traffic queuing on Hing Yip Street in normal business hours, if any, mainly occurs on the north-western section nearer to Hoi Yuen Road, whilst traffic queuing on the south-eastern section closer to King Yip Street is uncommon. The source of queuing stems from a perpendicular junction with the two-way driveway that exclusively serves the high-rise Wing Tai Centre, Wing Hing Industrial Building and Mai Hing Industrial Building at the middle of Hing Yip Street (**Drawing A-2**). The traffic flow beyond this driveway junction to the south-eastward is smoother. The building is about 50m to the southeast of the alleged driveway junction. The removal of one LGV parking space has no role to play in neither aggravating the traffic jam along Hing Yip Street nor triggering a domino effect that leads to worsening the parking space provision in the district.
- (g) Due to the presence of structural columns and a transformer room near the run-in/out of the building which could not be modified, as indicated in the SPA the Premises is not suitable for use by a 7m-long LGV (**Drawing A-3**), thus it has already lost its intended function. The proposal is therefore considered not affecting the occupiers.
- (h) The Premises is the only parking space in the building that has its own street frontage on Hing Yip Street. The proposed roadside small retail shop, with a usable floor area less than 15m² (after the provision of an accessible toilet for the disabled), will be local in nature and is not expected to attract road-based traffic.

In Accordance with the OZP's PR Restriction

- (i) The existing PR of the building is 10.35, and the resultant PR of about 10.37 upon conversion of the Premises (with an area of 20.6m²) does not exceed the restriction under the OZP.

Conforming with Relevant Legislations

- (j) The applicant is prepared to be abided by the provisions of the Buildings Ordinance (BO) and other ordinances and regulations on public health and safety regarding the proposed use.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of the Site. 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 is 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 Fire Services Department 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 area on G/F of an existing industrial or I-O building with and without sprinkler systems should not exceed 460m² and 230m² 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; and
- (d) for all new development, redevelopment, conversion and material change of use, adequate parking and L/UL spaces should be provided in accordance with the HKPSG requirements, and all other statutory or non-statutory requirements of relevant Government departments must also be met.

5. Previous Application

There is no previous application in respect of the Premises.

6. Similar Applications

- 6.1 There is no similar application in respect of G/F of the subject building.
- 6.2 The Metro Planning Committee (Committee) has so far considered a total of five applications for converting parking spaces on G/F of industrial or I-O buildings under "OU(B)" zone in the Kwun Tong Business Area (KTBA) for commercial uses, and two of these applications were approved by the Committee. Application Nos. A/K14/400 for 'Retail Shop' use at a LGV parking space (22.9m²) and A/K14/674 for temporary 'Shop and Services (Real Estate Agency)' for a period of five years at a car parking space (11.98m²) on G/F of two industrial buildings (**Plan A-1**) were approved with conditions by the Committee on 10.5.2002 and 20.7.2012 respectively. On 14.7.2017, the Committee rejected the application for renewal of planning permission of the latter case for another five years (No. A/K14/744) on the ground that "the application does not comply with TPB PG-No. 22D in that the applicant has not demonstrated that the parking provision of the concerned building would not be adversely affected by the proposed conversion of a parking space for commercial use".

- 6.3 Two other applications, i.e. A/K14/450 for ‘Retail Shop (Bakery)’ use at a lorry parking/L/UL space (35.7m²) and A/K14/690 for ‘Shop and Services (Retail)’ use at six private car/light van parking spaces (138.6m²) on G/F of another two industrial buildings (**Plan A-1**), were rejected by the Committee on 10.12.2004 and 7.2.2014 respectively mainly on the grounds that the proposed conversions for retail use were considered not acceptable from traffic point of view as the cumulative impact of approving similar applications would worsen the roadside traffic of the area, and the approval of such applications will set an undesirable precedent for similar applications. In considering the latter application, the Committee was of the view that the parking spaces at the concerned building were already below the extant HKPSG standard and the proposed conversion for commercial uses would aggravate the shortfall in the parking provision.
- 6.4 Apart from the above five cases, the Committee has so far considered another 198 applications for ‘Shop and Services’ use at workshop units on G/F of industrial or I-O buildings under the “OU(B)” zone in KTBA. 168 of them were approved with conditions and the remaining 30 were rejected by the Committee, mainly for the reasons that the applications were not acceptable from fire safety viewpoint as the total aggregate commercial floor area on G/F of the industrial or I-O building(s) had exceeded the maximum permissible limit.

7. The Premises and Its Surrounding Areas (Drawings A-1 to A-3, Plans A-1 to A-2 and photos on Plans A-3 to A-5)

7.1 The Premises:

- (a) occupies a LGV parking space on G/F of Po Yip Building (**Drawing A-1** and **Plan A-3**), and is currently used as a car parking space (**Plan A-5**);
- (b) is fronting Hing Yip Street and also accessible through the run-in/out of the building (**Drawings A-1** and **A-3** and **Plans A-4** and **A-5**); and
- (c) is physically separated from the workshop unit on G/F and the stair entrance to other floors of the building (**Drawing A-1** and **Plan A-4**).

7.2 The subject building:

- (a) is a 13-storey industrial building built in 1971 and is not equipped with sprinkler system; and
- (b) has the following existing uses:

Floor	Main Uses
G/F	Premises , workshop, carpark and internal driveway, transformer room and lift lobby (Drawing A-1 and Plan A-4)
1/F-12/F	Offices/studios (all floors except 1/F & 7/F), workshops/warehouses (3/F, 6/F to 9/F), training centre/institutional use (8/F)*, locked/vacant units (all floors except 5/F, 7/F & 11/F)

* Not allowed in industrial building and I-O building unless in the purpose-designed non-industrial portion on the lower floors provided that such uses are separated from the industrial uses located above by a buffer floors or floors and no industrial uses are located within that non-industrial portion.

7.3 The surrounding areas have the following characteristics:

- (a) the neighbouring buildings along Hing Yip Street are mainly industrial or I-O buildings;
- (b) two commercial/office buildings, namely, Camel Paint Centre and The Wave are located to the northwest of the subject building, while another one, namely, King Palace Plaza is found to the southeast (**Plan A-2**);
- (c) the G/F units of the nearby buildings are mainly used as motor services, real estate agencies, eating places, fast food counter, retail shop, local provisions store and office; and
- (d) MTR Kwun Tong Station is approximately 350m to the northeast (**Plan A-1**).

8. Planning Intention

The planning intention of the “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) No objection to the application.
- (b) The Premises falls within KTIL No. 49 (“the Lot”) which is held under Government Lease dated 21.11.1966 as varied or modified by a Deed of Variation dated 5.11.1979 for a term of 21 years commencing from 1.7.1955 and renewable for 21 years less 3 days and was further extended to 30.6.2047. The lease conditions of the Lot contain, inter alia, the following restrictions:
 - (i) the Lessee shall not erect or allow to be erected on the demised premises any building other than a factory for the manufacture of paints varnishes and lacquer vacuum flasks machinery and engineering products metal windows and doors nails screws bolts etcetera aluminium ware electric bulbs electric torches electrical appliances and fittings miscellaneous metal products and ancillary offices and quarters for persons essential to the safety and security of the building;

- (ii) the Lessee shall not use or allow to be used the demised premises or any part thereof or any building erected thereon or any part of such building for any purpose other than the purposes of the said factory for the manufacture of paints varnishes and lacquer vacuum flasks machinery and engineering products metal windows and doors nails screws bolts etcetera aluminium ware electric bulbs electric torches electrical appliances and fittings miscellaneous metal products; and
 - (iii) the Lessee shall provide within the demised premises adequate space for the parking or loading and unloading of motor vehicles to the satisfaction of the said Director and will not use the space so provided for any other purpose.
- (c) The proposed use of the Premises for shop and services is in breach of the lease conditions. Should the Board approve the planning application, the applicant is required to apply to his office for a temporary waiver/lease modification to give effect to the proposal. However, there is no guarantee at this stage that a temporary waiver/lease modification would be approved. If the application for temporary waiver/lease modification is approved by LandsD in the capacity as landlord at his sole discretion, it will be subject to those terms and conditions including the payment of waiver fee/premium as appropriate as imposed by LandsD.
- (d) His office does not have any record on the size or floor plan of the Premises. The applicant is required to demonstrate the dimensions and calculation of the floor area when a temporary waiver/lease modification application is submitted.

Building Matters

9.1.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) No objection to the application.
- (b) All building works/change in use are subject to compliance with the Buildings Ordinance (BO).
- (c) The proposal is acceptable in principle under the Building (Construction) Regulations from the structural point of view.
- (d) The applicant is advised to appoint an Authorised Person to submit building plans for the proposed change in use and alterations and additions works to demonstrate compliance with the BO, in particular:
 - (i) compliance with Building (Planning) Regulations (B(P)R) 21 is to be demonstrated since additional GFA will be resulted;

- (ii) adequate means of escape should be provided to the Premises in accordance with B(P)R 41(1) and the “Code of Practice for Fire Safety in Buildings 2011” (FS Code);
 - (iii) the Premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code;
 - (iv) access and facilities for persons with a disability including accessible toilet should be provided to the Premises in accordance with B(P)R 72 and “Design Manual: Barrier Free Access 2008”;
 - (v) adequate sanitary fitments should be provided to the Premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and
 - (vi) structural justification should be provided if solid partition walls are to be erected within the Premises.
- (e) Detailed comments under the BO can only be provided at the building plan submission stage.
 - (f) For unauthorised building works (UBW) erected on leased land/private buildings (if any), 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 approval should not be construed as an acceptance of any UBW on the Premises under the BO.
 - (g) The applicant’s attention is drawn to the “Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47” that the BA has no powers to give retrospective approval or consent for any UBW.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T) on the application and its FI:

- (a) He was given to understand the following background of the Premises:
 - (i) according to the land lease of the subject site, it stated that “the Lessee will provide within the demised premises adequate space for parking and L/UL of motor vehicles to the satisfaction of the (then) Director of Public Works”. As there is no specific range/number of parking provision stated in the lease, the parking and L/UL provision should be subject to agreement with relevant Government departments including TD;
 - (ii) according to the approved general building plan of the subject building, there are existing 11 nos. of LGV parking spaces; and

- (iii) the parking requirements of the subject industrial building within the “OU(B)” zone according to HKPSG should be 13 to 16 private car parking spaces as well as 4 LGV and 2 heavy goods vehicle (HGV) L/UL bays.
- (b) Based on the above, the applicant’s assessment advising that losing of a parking space still meets the requirement of HKPSG is not valid. It is in fact that the existing 11 LGV parking spaces cannot fully satisfy the minimum parking and L/UL requirement of HKPSG mentioned above.
- (c) It is noted from the applicant that the existing 11 LGV parking spaces are not fully utilized and the subject LGV car park may have manoeuvring issue. In this connection, the applicant may consider other management measures and/or modification of the parking and L/UL provisions for better utilization of the parking spaces to serve the parking requirement of the “tiny office units” use of the building in accordance with HKPSG.
- (d) It is noted that the applicant seeks approval for conversion of an existing car parking space to ‘Shop and Services’ use. In view of the acute shortage of car parking spaces and illegal parking in the district, the application will lead to the loss of a goods vehicle parking space and thus further worsening the parking space provision in the district. As such, he has reservation on the application.

Fire Safety

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

- (a) No objection in principle to the application subject to:
 - (i) fire services installations and equipment being provided to the satisfaction of his department. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) means of escape separated from the industrial portion is available for the subject unit.
- (b) The building is not protected with a sprinkler system so that the maximum permissible aggregated commercial floor area on G/F is 230m² 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 FS Code which is administered by the BA.
- (d) The applicant’s attention is drawn to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises” if the application is approved.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Engineer/Mainland South, Drainage Services Department;
- (c) Chief Highway Engineer/Kowloon, Highways Department;
- (d) Commissioner of Police; and
- (e) District Officer (Kwun Tong), Home Affairs Department.

10. Public Comments Received During Statutory Publication Period

On 15.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 5.1.2018, a total of five public comments on the application were received. The Incorporated Owners of the subject building conveyed mixed views gauged from the committee members (including objections without providing any reason, no comment or did not indicate the stance) (**Appendix II(1)**). An individual owner (**Appendix II(2)**), a member of the Kwun Tong District Council (KTDC) (**Appendix II(3)**) and two general public (**Appendices II(4)** and **II(5)**) objected to the application mainly on the following grounds:

- (a) *Adverse traffic impact on Kwun Tong:* There is in general insufficient parking space provision in the district, particularly KTBA, which causes serious illegal parking and traffic congestion in the area and hampers the accessibility of Kwun Tong Road and Wai Yip Street. The KTDC has been requesting increases in the number of parking facilities. The proposed change of usage of the Premises is in violation of the planning intention. It is argued that the owner should be forced to open up or rent out the Premises for car parking purpose. In addition, Hing Yip Street is a narrow street, and the removal of the subject parking space would adversely affect the on-street traffic conditions.
- (b) *Safety concern:* Conversion of the Premises will reduce the size of opening of the building, which may have safety concerns during emergency.
- (c) *Violation of land lease conditions:* The Premises was designated as parking space in Government lease documents.
- (d) *Unfairness to fellow owners of the building:* The applicant promised not to change the usage of the Premises before signing the purchase contract. If the proposed change of usage to ‘Shop and Services’ is approved, it will cause inconvenience to other car owners in the building.

11. Planning Considerations and Assessments

11.1 The application is for converting a LGV parking space on G/F of the subject industrial building for ‘Shop and Services’ use. The planning intention of the “OU(B)” zone covering the Premises is for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the proposed uses would not induce adverse fire safety and environmental impacts. The applied use at the Premises is considered generally in line with the planning

intention.

- 11.2 KTBA is being transformed into commercial use with many similar applications for ‘Shop and Services’ use approved for the G/F units of other industrial and I-O buildings in the vicinity of the Premises. The applied use is compatible with the changing land use character of the area.
- 11.3 According to D of FS, the building is not protected with a sprinkler system and the maximum permissible aggregate commercial floor area on G/F is 230m². Should the Committee approve the application, the total approved commercial floor area on G/F of the industrial building will be 20.6m², which is within the maximum permissible limit as set out in TPB PG-No. 22D. The proposed conversion from LGV parking space to retail use will result in an increase in total GFA of the building by 20.6m² as the existing LGV parking space is not GFA accountable in the building plan approved by the BA on 15.1.1971. According to the applicant, the resultant total GFA of about 9,630.6m² or the equivalent total PR of 10.37 is still within the restriction under the OZP.
- 11.4 The parking requirement under the HKPSG as argued by the applicant in para. 2(a) above is only applicable to general industrial use, and is lower than that for industrial buildings within the “OU(B)” zone (**Appendix III**)¹. As pointed out by C for T, with the existing total GFA of about 9,610m², the parking requirement for the subject building should be 13 to 16 private car parking spaces plus a minimum of 4 and 2 L/UL bays for LGVs and HGVs, and the existing provision of 11 parking spaces is already below the current HKPSG requirement.
- 11.5 While there is no minimum parking provision under the Government Lease which was prepared in 1960s, the provision of parking spaces should be to the agreement of relevant Government departments. A minimum of 13 car parking spaces as well as 4 LGV and 2 HGV L/UL bays are required under the current HKPSG. The proposed conversion of a LGV parking space currently in use for ‘Shop and Services’ use will aggravate the overall shortfall in parking provision in the building. In view of the acute shortage of car parking spaces and illegal parking in the district, C for T had reservation on the application as the loss of a LGV parking space in the building will further worsen the parking space provision in the district. In sum, the applicant has failed to demonstrate that the proposal could be implemented without adversely affecting the parking provision of the building and the area. Regarding the physical constraints limiting the use of the Premises for LGV parking, as argued by the applicant, C for T considered that the applicant should explore other management measures and/or modification of the parking and L/UL provisions for better utilization of the parking spaces to serve the parking requirement of the small-sized offices of the building.
- 11.6 The proposed use at the Premises complies with TPB PG-No. 22D from the fire safety and environmental impacts perspectives and relevant Government departments consulted including D of FS and CBS/K, BD have no objection to/no adverse comment on the application. Notwithstanding, C for T had reservation on

¹ According to the HKPSG, private car parking provision for an industrial building within the “OU(B)” zone is one space per 600-750m² GFA. As for the L/UL requirement, 1 GV bay per 1,000-1,200m² of 50% of the GFA and 1 per 2,000-3,000m² of the remaining 50% of the GFA; and 50% of which shall be for parking of GVs (note: GV parking provision is divided into 65% LGV and 35% HGV).

the application based on the considerations set out above. As set out in the TPB PG-No. 22D, for development involving conversion and material change of use, adequate parking and loading/unloading spaces should be provided in accordance with the requirements of the HKPSG, and all other statutory or non-statutory requirements of relevant Government departments must also be met. In this regard, the application fails to meet the said requirement.

- 11.7 Three out of five similar applications (Nos. A/K14/450, A/K14/690 and A/K14/744) for converting parking and/or L/UL spaces on G/F of industrial buildings for commercial uses were rejected by the Committee mainly on the traffic grounds.
- 11.8 Regarding the public comments on the adverse impact on the traffic conditions/parking provision in the area and the safety concern, the assessments in paragraphs 11.4 to 11.6 above are relevant. As for the violation of land lease conditions, the comments of the DLO/KE, LandsD in paragraph 9.1.1 above is relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

- (a) the application does not comply with the Town Planning Board Guidelines No. 22D for 'Development within "Other Specified Uses (Business)" Zone' in that the proposed conversion of a parking space for commercial use would adversely affect the parking provision of the subject building and would further worsen the parking space provision in the district; and
- (b) the approval of the application will set an undesirable precedent for similar applications and the cumulative impact of approving such applications would worsen the traffic conditions of the area.

12.2 Alternatively, should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 18.5.2020, 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 suggested for Members' reference:

Approval conditions

- (a) the reprovisioning of one light goods vehicle parking space within the subject lot or the implementation/provisions of such other mitigation measures before operation of the use to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of the proposal for fire safety measures, including the provision of fire services installations and equipment at the application premises and means of escape separated from the industrial portion of the subject industrial building before operation of the use to the satisfaction of the Director of Fire Services or of the Town Planning Board; and

- (c) if any of the above planning condition (a) or (b) is not complied with before operation of the 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 IV**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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.

14. Attachments

Appendix I	Application form received on 8.12.2017
Appendix Ia	Planning justifications received on 8.12.2017
Appendix Ib	Further information from the applicant received on 22.3.2018 providing responses to departmental comments including a Swept Path Analysis for the Premises
Appendices II(1) to II(5)	Public comments received during the statutory publication period between 15.12.2017 and 5.1.2018
Appendix III	Extract of the parking standards for the general industrial use and the industrial buildings in “OU(B)” zone as stated in the Hong Kong Planning Standards and Guidelines
Appendix IV	Recommended advisory clauses
Drawings A-1 to A-3	Ground floor layout plan and location plan of the subject building, and Swept Path Analysis drawing for 7m-long light goods vehicle in accessing the Premises as submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-5	Site Photos