

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

**APPLICATION NO. A/K14/758**

- Applicant** : Super Wave Corporation Limited, represented by Vision Planning Consultants Limited
- Premises** : G/F (Part), Camel Paint Building Block III, 60 Hoi Yuen Road, Kwun Tong, Kowloon
- Gross Floor Area** : About 852m<sup>2</sup>
- Lease** : (a) Kun Tong Inland Lot (KTIL) No. 72 and KTIL No. 53  
(b) Restricted to industrial purposes (excluding offensive trades)
- 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’ (about 341m<sup>2</sup> in total)  
● Proposed ‘Shop and Services (Bank and/or Local Provisions Store)’ (about 511m<sup>2</sup>)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the premises (the Premises) for ‘Shop and Services’ and ‘Shop and Services (Bank and/or Local Provisions Store)’ uses (**Drawing A-2**). The Premises occupies portion of G/F of an industrial building, namely Camel Paint Building Block III, at 60 Hoi Yuen Road, 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 The Premises is the subject of two valid approved planning applications (**Plan A-3**) submitted by the same applicant. The southern part of the Premises (about 520m<sup>2</sup>) was approved for ‘Shop and Services (Bank and/or Local Provisions Store)’ use (No. A/K14/714) by the Metro Planning Committee (the Committee) of the Board on 27.2.2015, while the northern part (about 340m<sup>2</sup>) was approved for ‘Shop and Services’ use (No. A/K14/751) by the Committee on 10.11.2017. The current application covers the application premises of the two approved applications, with

- change in location of the proposed uses (**Drawings A-2 and A-3**).
- 1.3 According to the applicant and our recent site inspection, the Premises is partly occupied by shops (in part of the area which was approved for ‘Shop and Services’ use under application No. A/K14/751) and partly vacant.
  - 1.4 In support of the application, the applicant has submitted the following documents:
    - (a) Letter received on 6.6.2018 enclosing the application form (**Appendix I**)
    - (b) Supplementary Planning Statement (**Appendix Ia**)
    - (c) Letter received on 26.7.2018 providing clarification and replacement of floor plans (**Appendix Ib**)
  - 1.5 Site location plan, ground floor layout plan of the Premises showing the indicative layout and the aggregated commercial GFA of G/F of the subject building 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 as set out in **Appendix Ia** are summarized as follows:

- (a) The applicant proposes to change the location designated for approved uses covered by two planning permissions, for better use of shop frontage and more effective use of floor spaces. This application is very similar to the two approved applications in terms of development scale (with net reduction in floor area of about 8m<sup>2</sup>) and is with same proposed uses. Given that there has been no material change in the local planning circumstances in Kwun Tong Business Area (KTBA) since the approval of the two applications, same consideration should also be given to this application.
- (b) The application complies fully with the TPB PG No. 22D in that the proposed shop and services uses do not exceed the permissible aggregate commercial GFA on G/F of the building.
- (c) On fire safety aspects, the approval conditions imposed on the two planning permissions requiring the submission and implementation of the proposal for fire safety measures have been fulfilled. The applicant would submit revised fire safety measure, should this application be approved by the Board.
- (d) Due to the small development scale, the proposed use would not have adverse or unacceptable traffic impact, as compared to the industrial activities used to be carried out. The proposed change of use would reduce the volume of heavy goods vehicles, thus relieving the local road traffic pressure and improving the quality of street walking environments.

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

The applicant is the sole “current land owner” of the Premises. 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 (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 GFA on G/F of an existing industrial or 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 GFA 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 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 Application**

The Premises is the subject of three previous planning applications submitted by the applicant of the current application (**Plan A-3**). Applications No. A/K14/714 and 715 for ‘Shop and Services (Bank and/or Local Provisions Store)’ and ‘Shop and Services’ use respectively at the southern and northern portions of the Premises were both approved with conditions by the Committee on 27.2.2015. The latter planning permission was revoked on 27.8.2015 due to non-compliance of the approval condition on fire safety measures. Subsequently, a planning application (No. A/K14/751) for the same use at the same location as the application No. A/K14/715, was approved with conditions by the Committee on 10.11.2017. The commercial GFA of the current application (about 852m<sup>2</sup>) is slightly below that of the two valid approved permissions

(No. A/K14/714 and 751) with total of about 860m<sup>2</sup>.

## 6. Similar Applications

6.1 The Committee has so far considered a total of 14 applications (including the three previous applications mentioned in para. 5 above) for 'Shop and Services' use on G/F of the building (**Plan A-3**). All of them were approved by the Committee. Details are shown in the table below.

Application No.	Unit No.	Applied/Proposed Uses	Floor Area (m <sup>2</sup> about)	Date of Decision	Decision
<b>Uses not applicable for the maximum permissible limit of 460m<sup>2</sup></b>					
A/K14/186	1 & 2 (portion)	Bank	412.49	16.12.1994 (Lapsed)	Approved with Conditions
A/K14/209	1	Bank	303	6.10.1995 (Lapsed)	Approved with Conditions
A/K14/341	2 (portion)	Fast Food Shop	76.94	14.4.2000 (Lapsed)	Partially Approved
A/K14/357	2 (portion)	Fast Food Shop	76.94	11.8.2000 (Lapsed)	Approved with Conditions
A/K14/600	1 (portion)	Shop and Services (Bank)	113.46	4.9.2009 (Lapsed)	Approved with Conditions
A/K14/605	2 & 3 & cockloft	Shop and Services (Bank)	365 (excluded cockloft)	18.12.2009	Approved with Conditions
A/K14/714	Portion of G/F	Shop and Services (Bank and/or Local Provisions Store)	520	27.2.2015	Approved with Conditions
<b>Uses applicable for the maximum permissible limit of 460m<sup>2</sup></b>					
A/K14/353	3 (portion)	Retail Shop	111.8	28.7.2000 (Lapsed)	Approved
A/K14/364	1	Retail Shop (Cake Shop)	6.23	22.9.2000 (Lapsed)	Approved
A/K14/371	3 (portion) & cockloft	Retail Shop	113.81 (excluded cockloft)	22.12.2000 (Lapsed)	Approved with Conditions
A/K14/411	2 & 3 (portions)	Estate Agency	188.75	21.3.2003 (Lapsed)	Approved with Conditions
A/K14/649	1	Shop and Services	<b>113.46</b>	15.4.2011	Approved with Conditions
A/K14/715	Portion of G/F	Shop and Services	340	27.2.2015 (Revoked)	Approved with Conditions
A/K14/751	Portion of G/F	Shop and Services	<b>340</b>	10.11.2017	Approved with Conditions
<b>Total Approved Floor Area* : 453.46m<sup>2</sup></b>					

\* Excluded floor area in cases of which planning permission have lapsed or been revoked.

- 6.2 According to the TPB PG-No. 22D, the aggregate commercial GFA on G/F of an existing industrial building with sprinkler system is limited to 460m<sup>2</sup>. Such limit is not applicable to the proposed ‘Shop and Services (Bank and/or Local Provisions Store) use’. However, the proposed ‘Shop and Services’ use (about 341m<sup>2</sup>) is subject to this permissible commercial GFA limit. Should the current application be approved, the resultant total aggregate commercial GFA would be 454.46m<sup>2</sup> (i.e. 113.46m<sup>2</sup> + 341m<sup>2</sup> but discounting approved commercial GFA of 340m<sup>2</sup> in application No. A/K14/751) which is within the maximum permissible limit of 460m<sup>2</sup> on G/F of an industrial building with a sprinkler system.
- 6.3 There are a total of 204 similar applications for ‘Shop and Services’ use on G/F of industrial or I-O buildings under the “OU(B)” zone in Kwun Tong Business Area (KTBA). 170 of them were approved with conditions and the remaining 34 were rejected by the Committee, mainly for the reasons that the applications were not acceptable from fire safety viewpoint as the total aggregate commercial GFA 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-3 and photos on Plans A-4 to A-6)**

7.1 The Premises:

- (a) occupies portion of G/F of Camel Paint Building Block III (**Drawings A-1 and A-2**), and is partly occupied by shops (part of the northern portion) and the remaining is vacant (**Plans A-4 to A-6**);
- (b) is partitioned into individual units, all having their own entrances fronting open passages between the buildings which connects to Hoi Yuen Road/Hing Yip Street;
- (c) is separated from the entrance to other floors of the building (**Drawings A-2 and A-3**); and
- (d) there are two separate cocklofts (both with staircase accesses) above parts of the Premises (**Drawing A-2 and Plans A-6 and A-7**). The floor area of the cocklofts has not been included in the application.

7.2 The subject building:

- (a) is a 14-storey industrial building including a basement carpark built in 1989 and is equipped with sprinkler system; and
- (b) has the following existing uses:

Floor	Main Uses
B/F	Carpark
G/F	<b>Premises</b> , shop and services (banks <sup>[1]</sup> , fast food counter <sup>[2]</sup> , real estate agency <sup>[2]</sup> , money exchange <sup>[3]</sup> ), lift lobby, L/UL area and internal driveway ( <b>Drawings A-2 and A-3 and Plan A-3</b> ). There are cocklofts above portions of the G/F which are used as bank office <sup>[1]</sup>

1/F-12/F	Offices/showrooms (all floors), shop and services <sup>[3]</sup> (all floors), eating places <sup>[4]</sup> (1/F, 3/F, 4/F, 5/F and 9/F), warehouse (all floors except 1/F, 2/F, 4/F and 12/F), workshops (3/F, 5/F and 10/F), locked / vacant (all floors except 2/F, 3/F, 5/F and 10/F)
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<sup>[1]</sup> Covered by planning approval No. A/K14/605.

<sup>[2]</sup> Covered by planning approval No. A/K14/649.

<sup>[3]</sup> No record of planning approval granted for these uses.

<sup>[4]</sup> Use not allowed unless in the purpose-designed non-industrial portion on the lower floors of the building and such uses are separated from the industrial or I-O use located above by a buffer floor(s) of non-hazardous occupancy, 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 Hoi Yuen Road are mainly industrial or I-O buildings;
- (b) to the immediate north and east of the building are Blocks I and II of Camel Paint Building and to its immediate southwest is a commercial building, namely, Camel Paint Centre (**Plan A-2**);
- (c) the G/F units of the nearby buildings are mainly used as retail shops, banks, real estate agencies, money exchanges, fast food counters and eating places; and
- (d) MTR Kwun Tong Station is approximately 250m to the northeast (**Plan A-1**).

## 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) No objection to the application.
- (b) The Premises falls within KTIL No. 72 and KTIL No. 53 (“the Lots”) which are both held under Government Lease dated 16.5.1967 for a term of 21 years commencing from 1.7.1955 and renewable for 21 years less 3 days and were further extended to 30.6.2047. The

Government Lease of KTIL 53 was varied/modified by a Deed of Variation dated 17.10.1979. The lease conditions of the subject Lots contain, inter alia, the following restrictions:

- (i) the user is restricted to industrial purposes (excluding offensive trades); and
  - (ii) no building shall be erected other than a factory and ancillary offices and quarters for persons essential to the safety and security of the building.
- (c) Portion of the Premises has already been used as retail shop, which is in breach of the subject lease conditions. Should the Board approve the planning application, the applicant is required to apply to his office for the temporary waiver/lease modification to regularise the breach. However, there is no guarantee at this stage that the 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 the lease modification/waiver 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 applicant is advised to appoint an Authorised Person to submit building plans for the proposed change in use and/or alterations and additions works to demonstrate compliance with the BO, in particular:
  - (i) adequate means of escape should be provided to the Premises and the remaining portion of G/F in accordance with Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
  - (ii) 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 FS Code;
  - (iii) access and facilities for persons with a disability including accessible toilet should be provided to the Premises and the

remaining portion of G/F in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;

- (iv) adequate sanitary fitments should be provided to the Premises and the remaining portion of G/F in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations; and
  - (v) structural justification should be provided if solid partition walls are to be erected within the Premises.
- (d) Detailed comments under the BO can only be provided at the building plan submission stage.
  - (e) 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.
  - (f) The applicant's attention should be drawn to "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.

### **Fire Safety**

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

- (a) No objection 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 protected with a sprinkler system so that the maximum permissible aggregated commercial GFA on G/F is 460m<sup>2</sup> in accordance with TPB PG-No. 22D. The 'Shop and Services' use should be counted up to the aggregated commercial GFA whilst the 'Shop and Services (Bank and/or Local Provision Store)' use should not be counted up to the aggregated commercial GFA.
- (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 for Transport (C for T);
- (e) Commissioner of Police; and
- (f) District Officer (Kwun Tong), Home Affairs Department.

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

On 15.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 6.7.2018, no public comment was received.

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

- 11.1 The application is for ‘Shop and Services’ and ‘Shop and Services (Bank and/or Local Provisions Store)’ at the Premises. The application covers premises covered in two previous planning permissions with change in location of the proposed uses. The Premises is partly used as retail shops with planning permission and partly vacant. The planning intention of the “OU(B)” zone 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 proposed uses at the Premises are 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 proposed use is compatible with the changing land use character of the area. A total of 14 planning applications for ‘Shop and Services’ use on G/F of the subject building were approved by the Committee (**Plan A-3**). Among them, two previous applications (No. A/K14/714 and A/K14/751) for the same uses at the Premises were approved with conditions by the Committee on 27.2.2015 and 10.11.2017 respectively. All approval conditions for these two permissions have been satisfactorily complied with. The current application is very similar to these two previous applications in term of development scale and is with same proposed land use.
- 11.3 The proposed uses at the Premises comply with TPB PG-No. 22D in that it would not induce adverse fire safety and environmental impacts on the developments within the subject building and the adjacent areas. Relevant Government departments consulted including D of FS, C for T and CBS/K, BD have no objection to/no adverse comment on the application.
- 11.4 As set out in TPB PG-No. 22D, the aggregate commercial GFA on G/F of an existing industrial or I-O building with and without sprinkler systems should not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively. The above limits on commercial GFA 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, including bank and local provisions store. According to D of FS, the subject building is protected with a sprinkler system and the maximum permissible aggregate commercial GFA on G/F is 460m<sup>2</sup>. The proposed 'Shop and Services' use (with a total floor area of 341m<sup>2</sup>) is subject to the above limit whereas, such limit does not apply to the proposed 'Shop and Services (Bank and/or Local Provisions Store) use' (with floor area of 511m<sup>2</sup>). Should the Committee approve the application, the aggregated commercial GFA on G/F of the industrial building will be 454.46m<sup>2</sup>, which is within the maximum permissible limit as set out in TPB PG-No. 22D.

11.5 To ensure D of FS's concern on fire safety aspect can be fully addressed, an approval condition in paragraph 12.2(a) below to require the submission and implementation of the proposal for fire safety measures to the satisfaction of D of FS is recommended.

11.6 No public comment was 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, it is suggested that the permission shall be valid until 3.8.2020, 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 submission and implementation of a 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 within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.2.2019; and
- (b) if the above planning condition (a) is not complied with by the specified date, 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 II**.

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

to 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 reason(s) for rejection should be given to the applicant.

#### **14. Attachments**

<b>Appendix I</b>	Application Form received on 6.6.2018
<b>Appendix Ia</b>	Planning Statement received on 6.6.2018
<b>Appendix Ib</b>	Further Information received on 26.7.2018
<b>Appendix II</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site Location Plan and the Vehicular Run-in/out as submitted by the applicant
<b>Drawing A-2</b>	Ground Floor Layout Plan of the Application Premises as submitted by the applicant
<b>Drawing A-3</b>	Aggregated Commercial Floor Areas on G/F of the Subject Building as submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Previous and Similar Applications
<b>Plans A-4 to A-7</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2018**