

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

**APPLICATION NO. A/K3/583**

<b><u>Applicant</u></b>	Lindenford Limited represented by Townland Consultants Limited
<b><u>Premises</u></b>	G/F (Portion) and B1/F (Portion), 3 Sham Mong Road, Tai Kok Tsui, Kowloon
<b><u>Floor Area</u></b>	645m <sup>2</sup> (about) (including 525m <sup>2</sup> (about) on G/F and 120m <sup>2</sup> (about) on B1/F)
<b><u>Lease</u></b>	Kowloon Inland Lot (KIL) No. 9706 and Extension (a) restricted to non-industrial purpose (excluding godown, hotel, service apartments, private residential and petrol filling station), provided that portion of the ground floor of not more than 350m <sup>2</sup> may be used for the purpose of a petrol filling station (including lubricating facilities but excluding all other servicing facilities) together with storage tanks for petrol/diesel fuel in the basement of not more than 84m <sup>2</sup> ; (b) total gross floor area (GFA) shall not exceed 29,038m <sup>2</sup> ; and (c) building height (BH) shall not exceed 51.5mPD
<b><u>Plan</u></b>	Approved Mong Kok Outline Zoning Plan (OZP) No. S/K3/32 (currently in force)  Draft Mong Kok OZP No. S/K3/31 (in force at the time of submission. The zoning and development restrictions concerning the Premises remain unchanged on the current OZP)
<b><u>Zoning</u></b>	“Other Specified Uses” annotated “Business” (“OU(B)”)  [Subject to a maximum plot ratio (PR) of 12 and a maximum BH of 110mPD, or the PR/BH of the existing building, whichever is the greater.]
<b><u>Application</u></b>	Proposed Petrol Filling Station

**1. The Proposal**

- 1.1. The applicant seeks planning permission for a proposed petrol filling station (PFS) on G/F (Portion) and B1/F (Portion) of a permitted office/commercial (O/C) redevelopment at 3 Sham Mong Road, Tai Kok Tsui (the Premises), which falls within an area zoned “OU(B)” on the approved Mong Kok OZP No. S/K3/32 (**Plan A-1**). According to the Notes of the OZP for “OU(B)” zone, under Schedule I for open-air development or for building other than industrial or industrial-office building, ‘petrol filling station’ use requires planning permission from the Town Planning Board (the Board).

- 1.2. The Premises falls within a site currently occupied by an existing 15-storey O/C building (i.e. the Skyway House), with an existing PFS on G/F and petrol storage tanks at basement level which has been in operation since the completion of the existing building in 1983 (**Plan A-2**). According to the applicant, the proposed PFS is an in-situ reprovisioning of the existing PFS upon redevelopment of Skyhouse House into a permitted O/C building with no change in nature of the uses (i.e. PFS on G/F and B/F and O/C uses on upper floors).
- 1.3. The proposed PFS will consist of petroleum dispensers with ancillary facilities including sales office, storage and toilet with a GFA of about 525m<sup>2</sup> on the G/F and petrol storage tanks with a GFA of about 120m<sup>2</sup> on B1/F of the permitted O/C redevelopment (**Drawings A-1 and A-2**). No liquefied petroleum gas (LPG) facilities will be installed in the proposed PFS. Similar to the existing vehicular ingress/egress arrangement, separate vehicular accesses will be provided at Kok Cheung Street for the permitted O/C redevelopment and the proposed PFS. Sufficient queuing spaces will be provided for the proposed PFS to avoid queuing along public road (**Drawing A-2**).
- 1.4. The proposed PFS will be completely separated from other parts of the permitted O/C redevelopment by enclosures, both laterally and vertically, so as to minimise the potential risk. Adequate ventilation will be provided to allow air circulation and avoid accumulation of aerial emissions by opening up its longest side along Kok Cheung Street. Besides, the proposed PFS will be completely covered by the podium structure of the permitted O/C redevelopment for noise screening purpose. A canopy extending from the podium structure is also proposed to provide further noise screening for the surrounding area (**Drawing A-2**).
- 1.5. As compared with the existing PFS, the location and layout of the proposed PFS under application are generally the same while the GFA for the PFS on G/F and petrol storage tanks on B1/F has increased by 175m<sup>2</sup> (from 350m<sup>2</sup> to 525m<sup>2</sup>, i.e. +50%) and 46m<sup>2</sup> (from 74m<sup>2</sup> to 120m<sup>2</sup>, i.e. +62%) respectively. Floor plans of the proposed PFS submitted by the applicant are shown at **Drawings A-1 and A-2**.
- 1.6. In support of the application, the applicant has submitted the following documents:
  - (a) Application form, Applicant's letter and Supplementary Planning Statement (SPS) with a Traffic Impact Assessment (TIA), Quantitative Risk Assessment (QRA), Fire Safety Strategy Report (FSSR) and Noise Impact Assessment (NIA) received on 20.9.2019 (**Appendix I**)
  - (b) Further information (FI) received on 20.12.2019 providing responses to departmental comments (R to C), a revised TIA and a revised NIA<sup>@</sup> (**Appendix Ia**)
  - (c) FI received on 15.1.2020 providing R to C, a revised QRA and a revised FSSR<sup>@</sup> (**Appendix Ib**)
  - (d) FI received on 27.3.2020 providing R to C<sup>#</sup> (**Appendix Ic**)
  - (e) FI received on 1.4.2020 providing R to C<sup>#</sup> (**Appendix Id**)
  - (f) FI received on 28.4.2020 providing R to C<sup>#</sup> (**Appendix Ie**)
- 1.7. The application was originally scheduled for consideration by the Committee on 15.11.2019. Upon request by the applicant, the Committee agreed to defer a decision on the application for two months each on 15.11.2019 and 6.3.2020. The applicant

Remarks: @ accepted but not exempted from publication and recounting requirements  
# accepted and exempted from publication and recounting requirements

submitted FIs on 20.12.2019, 15.1.2020, 27.3.2020, 1.4.2020 and 28.4.2020 in response to the departmental comments received (**Appendices Ia to Ie**). The application is scheduled for consideration by the Committee at this meeting.

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as set out in **Appendices I, Ia to Ie** are summarised as follows:

### In Line with the Planning Intention and the Lease Conditions

- (a) The proposed PFS as part of the permitted O/C redevelopment is in line with the planning intention of the “OU(B)” zone which is intended for general business uses. The proposal offers an opportunity to enhance the existing PFS to meet modern fire safety standards. The current lease governing the Lot allows for PFS use on the G/F.

### Compatible with Surrounding Land Uses and Developments

- (b) The existing PFS, which has existed since the 1980s, is an established and accepted component of the neighbourhood and the reinstated PFS will retain an existing facility to serve the surrounding neighbourhood at a convenient location. The proposed PFS will not generate nuisance to nearby residential developments. In view of the above, the proposed PFS is considered not incompatible with the surrounding uses. Furthermore, without established guidelines which set out the minimum separation distance between a PFS and residential development, the distance between the proposed PFS and the surrounding residential developments is not undesirable.

### Conformity with the Hong Kong Planning Standards and Guidelines (HKPSG)

- (c) By making reference to Chapter 9 of the HKPSG on ‘Environment’, the siting of the proposed PFS has been carefully considered particularly with regard to the locations of ingress/egress that may potentially generate noise disturbances due to traffic routings during sensitive hours. Adequate space for waste and wastewater collection and disposal facilities will also be provided.
- (d) The proposed PFS has been designed with the following specific measures to comply with the special requirements relevant to PFS within buildings as stipulated in Chapter 12 of the HKPSG:
  - (i) the proposed PFS will be completely separated from other parts of the building by enclosures, both laterally and vertically, having a fire resistance period for four hours;
  - (ii) the proposed PFS is to be located on the G/F and B1/F, and will be completely covered by the podium above for noise screening purpose. A new canopy extending from the podium structure is also proposed to provide further noise screening (**Drawing A-2**);
  - (iii) adequate headroom has been reserved for the safe operation of the PFS. The openings and windows on the three levels directly above the proposed PFS will

be bricked up. A QRA has been carried out to assess the potential risks arising from the proposal;

- (iv) the portion of the floor area in the permitted O/C redevelopment immediately and vertically above the proposed PFS in the building is used for occupancy with low fire/life risk (e.g. carparking, mechanical plants) and will act as a buffer between the proposed PFS and the rest of the building above;
- (v) the portion of the floor area of the three floors immediately and vertically above the PFS will not be used for occupancy with high life risk or sleeping risk. Other commercial uses are allocated on the upper floors;
- (vi) the proposed PFS will be opened for ventilation at the longest side along Kok Chung Street to provide adequate air ventilation and avoid accumulation of aerial emissions;
- (vii) separate vehicular accesses are available for the permitted O/C redevelopment and the proposed PFS. Adequate vehicular spaces are provided within the PFS to avoid vehicular queuing along the public road; and
- (viii) all other fire safety requirements imposed to mitigate the on-site risks are fully complied with.

#### Improving the Existing PFS

- (e) The existing 15-storey building was originally constructed for industrial purpose in the 1980s and later converted to O/C uses in 1993 with retention of a PFS. As the existing PFS is over 35 years old, the facilities and layout are inadequate to meet the current fire safety standards. The applicant therefore decides to seek the Board's permission to allow the existing PFS to be reprovisioned at the permitted O/C redevelopment<sup>1</sup>, which allows a continuation of the PFS operation, and provides an opportunity to improve the safety measures of the existing aged PFS.

#### The Proposal will not set an Undesirable Precedent

- (f) There are other existing PFSs in Hong Kong currently located on G/F of existing commercial/residential buildings or in the vicinity of residential developments. These PFSs are found to be located within various zones including "Commercial", "OU" and "Residential" zones, where PFS are either Column 1 or Column 2 use. The proposed PFS will not set an undesirable precedent.

#### No Adverse Traffic, Hazard Risk, Fire Safety, Noise and Infrastructural Impacts

- (g) The TIA has demonstrated that the local key junctions in the vicinity will be operating within capacity during peak hour periods. Separate vehicular accesses will be provided for the permitted O/C redevelopment and the proposed PFS via Kok Cheung Street. Sufficient waiting spaces will also be provided for the proposed PFS. As such, adverse traffic impact arising from the proposed PFS is not anticipated and is considered acceptable from traffic point of view.

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<sup>1</sup> According to the applicant, a Deed was signed in 1987 between the applicant and the operator of the PFS, which requires a PFS to be included within any redevelopment of the existing building. The operator of the PFS is one of the lot owners and he has no intention to discontinue or relocate its facility.

- (h) The findings of the QRA revealed that the proposed PFS is at an acceptable risk level. The FSSR also demonstrated that the potential risks are controlled and mitigated by the proposed fire safety design requirements for the proposed PFS. In addition, after the incorporation of the mitigation measures as recommended in the NIA, vehicular traffic noise will not be noticeable at the nearest noise sensitive receiver (NSR) (i.e. Ocean Court) which is about 15m away from the proposed PFS. The continuation of PFS use at the locality will not lead to adverse infrastructural impact.

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

The applicant is one of the “current land owners”. In respect of the other “current land owner”, the applicant has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consent from other current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

- 4.1. The Premises and the concerned site currently occupied by Skyway House were originally zoned “I” on the Mong Kok OZP before rezoning to “OU(B)” on 16.2.2001 with the intention for general business uses and subject to a maximum PR of 12.
- 4.2. On 17.9.2010, the concerned site was rezoned to “OU(B)1” with a BH restriction of 60mPD (or 80mPD for site with an area of 400m<sup>2</sup> or more) and a building gap (BG) requirement of 20mPD aligned with Ka Shin Street near the central part of the site on the draft Mong Kok OZP No. S/K3/28. Pursuant to a review of development restrictions on the Mong Kok OZP in response to the Court’s rulings on a JR on the Board’s decision on some representations in relation to the draft Mong Kok OZP No. S/K3/28, the concerned site had subsequently been rezoned to “OU(B)” with a maximum BH of 110mPD and the BG requirement removed on the draft Mong Kok OZP No. S/K3/31. Since then, the zoning and development restrictions for the concerned site remain unchanged on the Mong Kok OZP.

### **5. Previous Applications**

- 5.1. The Premises and the concerned site were the subject of two previous applications (No. A/K3/248 and A/K3/516) submitted by the same applicant of the current application (**Plan A-1**). Application No. A/K3/248 for conversion of the existing 15-storey industrial building (IB) (including one level of basement) to O/C uses with an existing PFS at G/F retained in-situ was approved with conditions by the Committee on 17.9.1993 mainly on the ground that only uses with low fire risk would be located on the floor immediately above the PFS. Building plans for the conversion works were approved by the Building Authority in 1995.
- 5.2. Application No. A/K3/516 for proposed PFS, permitted shop and services (retail shop) and office uses was rejected by the Board upon review on 6.8.2010 on the grounds that the proposed PFS was located in close proximity to residential developments and was considered incompatible with the nearby residential developments from land use

planning perspective; and approval of the application would set an undesirable precedent for other similar applications in the area. On 19.10.2010, the applicant lodged an appeal to the Town Planning Appeal Board against the Board's decision on rejecting the application upon review. The appeal was subsequently abandoned by the applicant on 5.3.2019.

## **6. Similar Application**

There is no similar application for PFS within the "OU(B)" zone on the Mong Kok OZP.

## **7. The Premises and its Surrounding Areas (Plans A-1 and A-2 and Photos on Plan A-3)**

7.1. The Premises:

- (a) is to be located at the G/F (portion) and B1/F (portion) of a permitted O/C upon redevelopment, the site of which is currently occupied by Skyway House with an existing PFS on G/F and petrol storage tanks at basement level; and
- (b) is directly accessible via Kok Cheung Street.

7.2. The surrounding areas have the following characteristics (**Plan A-2**):

- (a) to the immediate north of Skyway House across Fuk Chak Street is an area zoned "Residential (Group E)", in which a residential development with lower floors for shop and services use is currently under construction;
- (b) to the east are predominantly residential developments with shop and services and/or workshop uses on G/F along Kok Cheung Street, Ka Shin Street, Fuk Chak Street, Li Tak Street and Ivy Street;
- (c) the Hong Kong and Shanghai Banking Corporation Centre is located to the south across Pok Man Street; and
- (d) to the west is Sham Mong Road.

## **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 the 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 industrial-office building.

## **9. Comments from Relevant Government Departments**

9.1. The following government bureau/departments have been consulted and their views on the application are summarised as follows:

## **Land Administration**

### 9.1.1. Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) the Premises falls within KIL No. 9706 and Extension (the Lot) which is held under Conditions of Regrant No. 9971 dated 23.4.1971 and Conditions of Extension No. 10090 dated 25.11.1971, as modified by three Modification Letters dated 13.8.1973, 15.11.1983 and 5.11.1998 respectively, for a term of 150 years commencing from 13.4.1891. The Lot is subject to the following user/GFA/height restrictions, among others:
- (i) the Lot shall not be used for any purpose other than for non-industrial (excluding godown, hotel, service apartments, private residential and PFS) purposes, provided that portion of the ground floor of the building or buildings on the Lot containing an area of not more than 350m<sup>2</sup> and shown coloured pink on Plan A of the Lease may be used for the purpose of a petrol filling station (including lubricating facilities but excluding all other servicing facilities) together with storage tanks for petrol/diesel fuel in the basement beneath the said portion, such tanks containing an area of not more than 84m<sup>2</sup> or thereabouts;
- (ii) the basement and ground floors of any building on the Lot shall not be used for any purpose other than for the following:
- Basement Floor: Storage tanks for petrol or diesel fuel or both and the parking, and loading and unloading of motor vehicles,
  - Ground Floor: Retail, PFS, and the parking, and L/UL facilities of motor vehicles;
- (iii) total GFA not exceeding 29,038m<sup>2</sup>; and
- (iv) no part of any building shall exceed 51.5mPD.
- (b) the proposed PFS and tanks at ground floor and basement floor under this planning application will be in breach of the development restrictions governing the Lot. If planning approval is given, the owners of the Lot need to jointly apply to LandsD for a lease modification for the proposal. The proposal will only be considered upon receipt of formal application to LandsD from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and she shall reserve her comments on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit, including, among others, payment of premium and administrative fee as may be imposed by LandsD; and
- (c) she reserves her comments on the other aspects of the proposed O/C redevelopment shown in the application, including the 'potential

footbridge linkage' over Government land at the lease modification stage.

### **Fire Safety**

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

- (a) in general, PFS located underneath a commercial/composite building is considered to bear a high off-site risk and the population in the neighbourhood may be exposed to the danger of serious fire risks. Nevertheless, each application will be assessed on its individual merits. As long as the risks are to be mitigated by means of fire separation and/or dedicated fire protection system, such application is not unacceptable. In this case, the risk level of the proposed PFS is considered acceptable having scrutinised the submitted QRA and FSSR;
- (b) the applicant should comply with the design criteria as stipulated in Chapter 12 of the HKPSG for the redevelopment which involves PFS without LPG filling facilities to be located on G/F of a commercial building;
- (c) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of FSD. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans; and
- (d) his detailed comments on the application are at **Appendix II**.

### **Traffic**

#### 9.1.3. Comments of the Commissioner for Transport (C for T):

- (a) he has no comment on the application and the revised TIA, which demonstrates that the nearby roads and junctions would be capable to handle the traffic generated from the proposed redevelopment (including the proposed PFS) at three years after completion with no significant impact;
- (b) the applicant should be reminded that C for T has the rights to impose, alter or cancel any car parking, loading/unloading facilities and/or any no-stopping restrictions, on all local roads to cope with changing traffic conditions and needs. The frontage road space would not be reserved for any exclusive uses for the proposed redevelopment (including the proposed PFS); and
- (c) the applicant should also be reminded to maintain the proposed high-end provision of parking spaces as well as loading/unloading facilities in accordance with the HKPSG as indicated in the submitted TIA for the proposed redevelopment (including the proposed PFS).



## **Environment**

### 9.1.4. Comments of the Director of Environmental Protection (DEP):

- (a) having reviewed the revised NIA, he noted that the applicant has reviewed the noise generating activities during the operation of the proposed PFS and concluded that the noise generated from these activities would have no adverse impact on the NSRs in the vicinity. Measures and administrative control were also proposed to further reduce the noise impact and degree of noise disturbance arising from the proposed PFS;
- (b) based on the currently available information, the environmental impacts arising from the proposed redevelopment (including the proposed PFS) would unlikely be insurmountable. Thus, he has no in-principle objection to the application. The following approval condition is recommended should the application be approved:

the submission of a Land Contamination Assessment and implementation of the land contamination remedial measures proposed therein prior to the commencement of construction works to the satisfaction of the DEP or of the Board; and

- (c) no complaint against noise from the existing PFS has been received in the past three years.

## **Building Matters**

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

- (a) he has no in-principle objection to the application;
- (b) the proposal shall in all aspects comply with the Buildings Ordinance (BO) and its allied regulations; and
- (c) detailed comments under the BO will be given at the building plan submission stage.

## **Urban Design and Landscape**

### 9.1.6. Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

#### **Urban Design and Visual**

- (a) she has no comment on the application from urban design and visual perspectives; and

### Landscape

- (b) the Premises is situated in an area of city grid with mixed urban landscape character, dominated by residential and industrial buildings. Besides, the Premises is currently occupied by a PFS on ground floor, without any existing vegetation within its boundary. Adverse landscape impact is not anticipated. Therefore, she has no objection to the application from landscape planning point of view.

9.2. The following bureau/departments have no objection to or no comment on the application:

- (a) Secretary for the Environment;
- (b) Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD);
- (c) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (d) Commissioner of Police;
- (e) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Project Manager (South), Civil Engineering and Development Department;
- (h) Director of Electrical and Mechanical Services (DEMS); and
- (i) District Officer (Yau Tsim Mong), Home Affairs Department (DO(YTM), HAD).

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

During the statutory public inspection periods, two public comments were received from individuals objecting to the application (**Appendix III**). The major concerns include that the proposed PFS will increase the traffic flow causing traffic congestion and environmental impact to the neighbourhood; the storage of fuel will cause potential risk to the neighbourhood; and the existing PFSs in the area can meet the demand of PFS.

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

11.1. The application is to seek planning permission for a proposed PFS at the Premises which will occupy G/F (Portion) and B1/F (Portion) of a permitted O/C redevelopment within "OU(B)" zone on the Mong Kok OZP. The proposed PFS is an in-situ reprovisioning of an existing PFS, which has been in operation in the locality since 1983. According to the applicant, there is no change in nature of the uses (i.e. PFS on G/F and B/F and O/C uses at upper floors) upon redevelopment of the existing O/C building, except that the GFA of the proposed PFS and petrol storage tanks has increased from 350m<sup>2</sup> and 74m<sup>2</sup> to 525m<sup>2</sup> and 120m<sup>2</sup> respectively as compared to the existing PFS. The proposed PFS as part of the permitted O/C redevelopment is generally in line with the planning intention of the "OU(B)" zone, which is intended for general business use.

### Technical Considerations

11.2. According to the applicant, no LPG filling facilities will be provided in the proposed PFS and various design measures have been included in the proposed PFS to mitigate the potential risk in accordance with the special requirements and design criteria relevant to PFS within buildings as stipulated in the HKPSG. The proposed PFS will be

completely separated from other parts of the building by vertical and lateral enclosures to minimise potential fire and life risks. Adequate ventilation will also be provided to allow air circulation and avoid accumulation of aerial emissions. The QRA and FSSR submitted by the applicant have demonstrated that the proposed PFS at the Premises is at an acceptable risk level and will not cause additional life safety hazard to the occupants above the PFS and the surrounding neighbourhood. Having scrutinised the submitted QRA and FSSR with the proposed mitigation measures, D of FS has no objection to the application from fire safety perspective and an approval condition on the provision of fire service installations and water supplies for firefighting under paragraph 12.2(a) is recommended.

- 11.3. The proposed PFS will be completely covered by the podium structure of the permitted O/C redevelopment to mitigate potential noise impact. To provide additional noise screening from the proposed PFS to the surrounding residential developments, a canopy extending from the podium structure has also been proposed (**Drawing A-1**). The NIA submitted by the applicant has demonstrated that the potential noise impact arising from the operation of the proposed PFS including vehicular ingress/egress, refuelling exercise and the use of mechanical fan during the refuelling exercise will not be noticeable at the nearest NSR (i.e. Ocean Court which is about 15m from the proposed PFS) and thus the noise impact on the surrounding neighbourhood will be insignificant. In addition, mitigation measures and administrative control are proposed to further reduce the noise disturbance arising from the proposed PFS. In this regard, DEP has no objection to the application from noise perspective. An approval condition under paragraph 12.2(b) below regarding the land contamination aspect is recommended to address DEP's concern.
- 11.4. Similar to the existing vehicular ingress/egress arrangement, two separate vehicular accesses for the permitted O/C redevelopment and the proposed PFS respectively via Kok Cheung Street are provided. Meanwhile, adequate waiting spaces are provided within the proposed PFS to avoid vehicles queuing along public road. The TIA submitted by the applicant demonstrates that the local key junctions in the vicinity will be operating within capacity during peak hour periods and the proposed PFS would not cause adverse traffic impact to the surrounding area. C for T has no comment on the application from the traffic engineering perspective.

#### Previous Applications and Suitability of the Proposed PFS

- 11.5. The Premises and the concerned site were the subject of two previous applications (No. A/K3/248 and A/K3/516) submitted by the same applicant of the current application. Application No. A/K3/248 for conversion of the existing IB (zoned "I") for O/C uses with an existing PFS retained in-situ was approved with conditions by the Committee on 17.9.1993 mainly on the ground that only uses with low fire risk would be located on the floor immediately above the PFS. Application No. A/K3/516 for proposed PFS and permitted O/C uses (zoned "OU(B)") was rejected upon review by the Board on 6.8.2010 mainly on the grounds that the proposed PFS was located in close proximity to residential developments and was considered incompatible with the nearby residential developments from land use planning perspective; and approval of the application would set an undesirable precedent for other similar applications in the area.
- 11.6. In the current application, the applicant has taken into account the comments from relevant Government departments and revised the scheme accordingly. The scheme under the current application has been designed to meet the latest fire safety standards

and various noise mitigation measures have been proposed to minimise nuisance to the surrounding neighbourhood. D of FS and DEP have no objection to the proposed PFS as mentioned in paragraphs 11.2 and 11.3 above. Besides, relevant government departments including DO(YTM), HAD, DLO/KW, LandsD, CHE/K, HyD, DEMS and CE/MS, DSD have no objection to or adverse comment on the proposed PFS.

- 11.7. The proposed PFS is located in an area with a mix of commercial/residential developments with lower floors for shop and services and/or workshop uses. According to the applicant, the proposed PFS is an in-situ reprovisioning of the existing PFS which has been in operation since 1983 and thus is an established and accepted component of the neighbourhood. In this regard, DEP confirms that no complaint against noise from the existing PFS has been received in the past three years. It is also noted that PFSs with similar neighbourhood setting can be found within the Mong Kok OZP (**Plan A-4**). Taking into account the unique circumstances that the proposed PFS is an in-situ reprovisioning of an existing PFS which has been in operation for a long time (more than 35 years) in the locality and it is not uncommon for PFSs to be located in a mixed commercial/residential neighbourhood, it is considered that the proposed PFS could be tolerated upon redevelopment of the existing O/C building at the concerned site.

#### Public Comments

- 11.8. Regarding the concerns raised in the public comments, the planning assessments in paragraph 11 above and the departmental comments in paragraph 9 above are 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 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 15.5.2024, 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 provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission of a Land Contamination Assessment and implementation of the land contamination remedial measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

#### Advisory Clauses

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

- 12.3. Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the proposed PFS is considered incompatible with the nearby residential developments from the land use planning perspective.

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

### **14. Attachments**

<b>Appendix I</b>	Application form and Supplementary Planning Statement received on 20.9.2019
<b>Appendix Ia</b>	Further information received on 20.12.2019
<b>Appendix Ib</b>	Further information received on 15.1.2020
<b>Appendix Ic</b>	Further information received on 27.3.2020
<b>Appendix Id</b>	Further information received on 1.4.2020
<b>Appendix Ie</b>	Further information received on 28.4.2020
<b>Appendix II</b>	Detailed comments from Government department
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	B1/F Plan
<b>Drawing A-2</b>	G/F Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Photo
<b>Plan A-4</b>	Existing PFSs on the Mong Kok OZP