

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K3/587

<u>Applicant</u>	Kowloon Investment Company Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	18 Bute Street, Mong Kok, Kowloon
<u>Site Area</u>	262.4m ² (about)
<u>Lease</u>	Kowloon Inland Lot (KIL) No. 2789 s.D R.P. (a) restricted to a knitting factory or factory for a similar manufacturing process purposes; and (b) no offensive trade
<u>Plan</u>	Approved Mong Kok Outline Zoning Plan (OZP) No. S/K3/32
<u>Zoning</u>	“Residential (Group E)” (“R(E)”) [Subject to a maximum plot ratio (PR) of 7.5 for a domestic building or 9.0 for a building that is partly domestic and partly non-domestic, and a maximum building height (BH) of 100mPD, or the PR/BH of the existing building, whichever is the greater.]
<u>Application</u>	Proposed Wholesale Conversion of Existing Industrial Building for Office, Shop and Services and Eating Place Uses

1. The Proposal

- 1.1. The applicant seeks planning permission for proposed wholesale conversion of an existing industrial building (IB) for office, shop and services and eating place uses at 18 Bute Street, Mong Kok (the Site) which falls within an area zoned “R(E)” on the approved Mong Kok OZP No. S/K3/32 (**Plan A-1**). According to the Notes of the OZP for “R(E)” zone, under Schedule I for open-air development or for building other than industrial or industrial-office building, the development proposal including ‘office’, ‘shop and services’ and ‘eating place’ uses require planning permission from the Town Planning Board (the Board).
- 1.2. The Site is occupied by an existing 5-storey IB (i.e. the Kowloon Investment Company Limited Factory Building) completed in November 1976 with a PR of 4.58 and BH of 22.695mPD (at main roof). It is the subject of a previous application (No. A/K3/564) submitted by the same applicant for the same use, which was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 22.5.2015.

Subsequently, planning permission under the previous application was lapsed on 23.5.2019 due to technical difficulties on accommodating the proposed uses on the previously approved internal layout and lack of E&M facilities.

- 1.3. The current scheme mainly involves revisions to the internal floor layout of the existing IB to enable the implementation of the proposed uses with an increase in provision of E&M facilities on R/F (**Drawings A-1 and A-2**). As compared with the previously approved application No. A/K3/564, while the number of storeys has been increased from five to six storeys consequential to the provision of E&M facilities on R/F, there will be no change in the BH (in mPD) at both main roof and upper roof levels, as well as the gross floor area (GFA) and PR. The major development parameters and floor uses of the existing building, the previously approved application and the current scheme are as follows:

Development Parameters	Existing Building	Previously Approved Application (No. A/K3/564) (a)	Current Scheme (No. A/K3/587) (b)	Differences
				(b) – (a)
Site Area	262.4m ²	262.4m ²	262.4m ²	No Change
GFA	1,202.4m ²	1,202.4m ²	1,202.4m ^{2*}	No Change
Plot Ratio	4.58	4.58	4.58	No Change
Site Coverage	90%	90%	90%	No Change
No. of Storeys	5	5	6 [#]	+1 [#]
BH (main roof level)	22.695mPD	22.695mPD	22.695mPD	No Change
BH (upper roof level)	26.505mPD	28.895mPD	28.895mPD	No Change
Car Parking and Loading/ Unloading	Nil	Nil	Nil	No Change
Major Uses by Floor				
G/F	Workshop, Retail	Lobby, Offices, Shop & Services, Eating Place, E&M Facilities	Lobby, Offices Shop & Services, Eating Place, E&M Facilities	No Change
1/F	Offices and Shop and Services	Offices Shop & Services, Eating Place, E&M Facilities	Offices Shop & Services, Eating Place, E&M Facilities	No Change
2/F to 3/F	Offices			
4/F	Management Offices			
R/F	E&M Facilities	E&M Facilities	E&M Facilities	No Change

- 1.4. Floor plans of the current scheme are at **Drawings A-1 and A-2**.

- 1.5. In support of the application, the applicant has submitted the following documents:
 (a) Application form, Applicant's letter and Supplementary (**Appendix I**) Planning Statement (SPS) with a Traffic Review (TR) received on 10.3.2020

* As compared with the previously approved application, the non-accountable GFA has been increased from 63m² to 189.41m² (+126.41m²) due to the provision of additional E&M facilities (i.e. water tanks, pump room and generator room) at the R/F level.

[#] The enclosed structures on the R/F are counted towards the height of the building as they exceeded 50% of the roof area. However, there is no change on the BH (upper roof level) as compared with the previously approved application.

- (b) Further information received on 9.4.2020 providing (Appendix Ia) clarification on the application

2. Justifications from the Applicants

The justifications put forth by the applicant in support of the application are detailed in Part 5 of the SPS (Appendix I). They can be summarised as follows:

Difficulty in Redevelopment for Residential Use

- (a) The elongated and oblong configurations of the Site are impractical for redevelopment for residential use. Being surrounded by industrial buildings, industrial/residential interface problem and traffic noise impact are likely to be anticipated should the Site be redeveloped for residential use. The Site, which lies at the fringe of the “R(E)” zone, is also considered less attractive to be amalgamated with adjoining sites for implementation of any residential development.

Not Contrary to the Planning Intention of “R(E)” Zone

- (b) The proposed uses shall not be deemed contrary to the planning intention of the “R(E)” zone which is intended to phase out existing industrial uses, and would revitalise the obsolete industrial building.

Not Incompatible with the Surrounding Land Uses

- (c) The proposed uses are considered not incompatible with the surrounding land uses which are characterised by industrial, hotel, office and residential buildings. Local workers and residents could make the best use of the proposed retail and catering facilities within short walking distance resulting in an overall contribution to the economy and employment of the local community. Moreover, the proposed uses would not encroach onto the adjoining service lane.

Locational Advantages

- (d) The Site enjoys locational advantages as it is highly accessible and well-served by various public transport services particularly within short walking distance from Mong Kok Road and Nathan Road.

Planning and Design Merits

- (e) Visual amenity of the Site and the adjoining public street would be improved through alternations and improvements to the building façade and elevations of the existing building. The revision of internal layout will provide a more sensible layout with better disposition of E&M facilities as compared to the previously approved application to create a more attractive and vibrant commercial development. This could also allow a greater flexibility for the future tenants and a more convenient and comfortable pedestrian movement within the Site.

No Adverse Traffic, Environmental and Fire Risk Impacts

- (f) Nil provision of car parking and loading/unloading facilities is considered justifiable due to site constraint and provision of sufficient car parking facilities as well as public transport services in the vicinity of the Site as demonstrated in the TR (**Appendix I**). Moreover, the proposal would not induce environmental and fire safety impacts to the surroundings. Adequate utilities are also available to serve the proposed wholesale conversion.

No Setting of Undesirable Precedent

- (g) Approval of the application would not set an undesirable precedent. There are similar applications within the “R(E)” zone under the Mong Kok OZP previously approved by the Board.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

The Site is the subject of a previous application (No. A/K3/564) submitted by the same applicant for the same use, which was approved with conditions by the Committee on 22.5.2015 mainly on the grounds that the Site was more conducive for the proposed uses than residential use; the proposed wholesale conversion would help phasing out the industrial uses in the area; the proposed uses were not incompatible with the surrounding land uses; and relevant departments had no adverse comment. The planning permission was lapsed on 23.5.2019 due to technical difficulties on accommodating the proposed uses on the previously approved internal layout and lack of E&M facilities.

5. Similar Applications

There were six similar applications (Nos. A/K3/508, A/K3/533, A/K3/558, A/K3/559, A/K3/566 and A/K3/567) covering three sites for wholesale conversion of existing IBs for commercial uses (including office, shop and services and/or hotel uses) within the “R(E)” zone on the Mong Kok OZP since 2001. All applications were approved with conditions by the Committee mainly on the considerations that the proposed uses were compatible with surrounding land uses and would help to phase out existing industrial uses, and relevant departments had no adverse comment. The locations and details of these applications are at **Plan A-1** and **Appendix II** respectively.

6. The Site and Its Surrounding Areas (Plans A-1 and A-2 and Photos on Plan A-3)

6.1. The Site:

- (a) abuts Bute Street; and

- (b) is occupied by a 5-storey IB known as the Kowloon Investment Company Limited Factory Building which was completed in November 1976.

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

- (a) is surrounded by a number of existing industrial developments;
- (b) to the further east, south and southwest of the Site are existing commercial developments including Lodgewood by L'Hotel Mong Kok and Win Century Centre, as well as the proposed redevelopment of Dynasty Plaza for commercial uses; and
- (c) is well served by various mode of public transport including buses and public light buses. The MTR Prince Edward Station and MTR Mong Kok Station are located about 300m to the north-east and south-east of the Site.

7. Planning Intention

7.1. The planning intention of the "R(E)" zone is intended primarily for phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

7.2. This zone is intended primarily for phasing out of existing industrial uses. It provides an opportunity for redevelopment of existing obsolete buildings. Residential development may be permitted with or without conditions on application to the Board. The developers will be required to submit adequate information to demonstrate that the new residential development will be sustainable in environmental and traffic terms, and suitable mitigation measures, if required, will be implemented to address the potential industrial/residential interface problems.

8. Comments from Relevant Government Departments

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

Land Administration

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

- (a) the Site is situated at KIL No. 2789 s.D R.P. (the Lot) which is held under a Government lease dated 27.9.1935 for a term of 75 years commencing from 30.1.1932 and renewable for a further term of 75 years. The Lot is restricted for a knitting factory or factory for a similar manufacturing process purposes, and no offensive trade shall be permitted;

- (b) the proposed uses will constitute breach of the user restriction and the offensive trade clause of the lease. If planning application is approved by the Board, the owner of the Lot needs to apply to LandsD for a lease modification or temporary waiver to effect the proposal. 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/waiver fee and administrative fee as may be imposed by LandsD; and
- (c) paragraph 2.1.3 and the photos in the SPS reveal that part of the ground floor of the existing building is being used for retail purposes, which is in breach of the lease conditions. The Government reserves the right to take enforcement actions against any breach of the lease conditions.

Building Matters

8.1.2. 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 should in all aspects comply with the Buildings Ordinance (BO) and its allied regulations; and
- (c) detailed comments under BO will be given at building plan submission stage.

Traffic

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

he has no objection to the application and no objection to the nil provision of parking and loading/unloading facilities due to the site constraint.

Environment

8.1.4. Comments of the Director of Environmental Protection (DEP):

- (a) office developments are normally provided with central air conditioning system and the applicant/Authorized Person should be able to select a proper location for fresh-air intake during detailed design stage to avoid exposing future occupants under unacceptable environmental nuisances/impact;
- (b) approval conditions requiring the submission of a sewerage impact assessment (SIA) to the satisfaction of the DEP or of the Board and the implementation of the local sewerage upgrading/sewerage connection works identified in the SIA to the satisfaction of the Director of Drainage Services or of the Board should be imposed; and

- (c) the applicant should be advised to prepare and submit the SIA as early as possible in view of the time required for the implementation of any required sewerage works.

Drainage

- 8.1.5. Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

a SIA shall be submitted for the planning application to meet the full satisfaction of EPD, the planning authority of sewerage infrastructure. Local sewerage upgrading/sewerage connection works identified in the SIA shall be implemented to the satisfaction of DSD or of the Board.

Fire Safety

- 8.1.6. Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.

- 8.2. The following government departments have no objection to/ comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Architect/Central Management Division 2, Architectural Services Department;
- (d) Project Manager (South), Civil Engineering and Development Department;
- (e) Director of Electrical and Mechanical Services;
- (f) Commissioner for Police; and
- (g) District Officer (Yau Tsim Mong), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

During the first three weeks of the statutory public inspection period, no public comment is received.

10. Planning Considerations and Assessments

The Proposal

- 10.1. The applicant seeks planning permission for proposed wholesale conversion of an existing 5-storey IB with a total PR of 4.58 and BH of 22.695mPD (at main roof) for

office, shop and services and eating place uses at the Site, which falls within an area zoned “R(E)” on the Mong Kok OZP. The Site is the subject of a previous application (No. A/K3/564) submitted by the same applicant for the same use, which was approved with conditions by the Committee in May 2015. The planning permission was subsequently lapsed in May 2019 due to technical difficulties in accommodating the proposed uses on the previously approved internal layout and lack of E&M facilities.

- 10.2. The current scheme mainly involves changes in the internal layout to enable implementation of the proposed uses with an increase in provision of E&M facilities on R/F. As compared with the previously approved application (No. A/K3/564), while the the number of storey has been increased from five to six due to provision of E&M facilities on R/F, there will be no change in the BH (in mPD) at both main roof and upper roof levels, as well as the GFA and PR.

Planning Intention and Land Use Compatibility

- 10.3. Given its elongated shape and small site area, it is considered that the Site is more conducive for eating place, shop and services and office uses than residential use as it is surrounded by existing industrial buildings (**Plan A-2**). The proposed wholesale conversion with eating place, shop and services and office uses at the Site would facilitate the transformation of the area by phasing out the existing industrial uses, which could be considered generally in line with the planning intention.

Technical Aspects

- 10.4. C for T has no objection to the nil provision of car parking and loading/unloading facilities due to site constraints. Other relevant government departments including CBS/K, BD, DEP, D of FS and CE/MS, DSD have no objection to or no adverse comment on the application. To address their technical concerns, approval conditions under paragraphs 11.2(a) to (c) below regarding the fire safety and sewerage aspects are recommended.

Previous and Similar Applications

- 10.5. The Site is the subject of a previous application (No. A/K3/564) submitted by the same applicant for the same use, which was approved with conditions by the Committee in May 2015. Besides, six similar applications for wholesale conversion of existing IBs for commercial uses (including office, shop and services and/or hotel uses) have been approved by the Committee since 2001 in other three sites zoned “R(E)” on the same OZP.

Public Comment

- 10.6. No public comment on the application was received during the statutory publication period.

11. Planning Department’s Views

- 11.1. Based on the assessments made in paragraph 10 above, the Planning Department has no objection to the application.

- 11.2. Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 24.4.2024, 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;
- (b) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

- 11.3. There is no strong reason to recommend rejection of the application.

12. Decision Sought

- 12.1. The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2. 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.
- 12.3. Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

13. Attachments

Appendix I	Application Form, Supplementary Planning Statement and Traffic Review received on 10.3.2020
Appendix Ia	Further information received on 9.4.2020
Appendix II	Similar Applications
Appendix III	Advisory Clauses
Drawings A-1 and A-2	Floor Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos