

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/797

- Applicant** : Multipurpose Investment Limited represented by Colliers International (Hong Kong) Limited
- Premises** : Unit No. 2, G/F, Kowloon Plaza, 485 Castle Peak Road, Cheung Sha Wan, Kowloon
- Floor Area** : 335 m²
- Lease** : (a) New Kowloon Inland Lot (NKIL) No. 3516 s.B ss.1 & ss.2
(b) Restricted to factory purposes only
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/37
- Zoning** : “Other Specified Uses” annotated “Business 2” (“OU(B)2”)

[Restricted to a maximum plot ratio (PR) of 12 and a maximum building height (BH) of 130mPD, or the PR/BH of the existing building, whichever is the greater. A minimum setback of 3.5m from the lot boundary abutting Castle Peak Road shall be provided]
- Application** : Shop and Services (Bank)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Bank)’. The premises occupies Unit No. 2 on G/F of an existing industrial building (Kowloon Plaza), which falls within an area zoned “OU(B)2” on the approved Cheung Sha Wan OZP No. S/K5/37 (**Plan A-1**).
- 1.2 According to Schedule II of the Notes of the OZP for the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services (not elsewhere specified)’ on the G/F of an industrial building within the “OU(B)” zone requires planning permission from the Town Planning Board (the Board).
- 1.3 The Premises was the subject a previous application (No. A/K5/602) submitted by the same applicant for proposed temporary ‘Shop and Services (Bank)’ use for a period of 5 years at the Premises as an extension of the bank at the adjoining Unit No. 1. The application was approved with conditions on temporary basis by the

Committee on 25.11.2005, and the planning permission expired on 25.11.2010. The Premises is currently used as bank.

- 1.4 The location plan and site plan showing the Premises, as submitted by the applicant, are at **Drawings A-1** and **A-2**.
- 1.5 In support of the application, the applicant has submitted the Application Form which was received on 21.6.2018 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out at **Appendix I**. They can be summarized as follows:

- (a) the Premises is located in the Lai Chi Kok business area. There is a persistent demand of banking services in the area;
- (b) the Premises has been used as bank since the approval of a previous planning application in 2005 (i.e. A/K5/602), and the bank use does not induce any adverse traffic and environmental impacts to the surrounding areas; and
- (c) the surrounding areas of the Premises are dominated by industrial buildings. Due to the demand of retail services in the area, the Board has granted relevant planning approvals for premises on G/F in the nearby industrial buildings for retail services uses.

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

The applicant is the sole “current land owner” of the application 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 floor areas on the ground floor of an existing industrial/I-O building with and without sprinkler systems should as a general principle 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 loading/unloading spaces should be provided in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG), and all other statutory or non-statutory requirements of relevant Government departments must also be met.

5. Previous Application (Plan A-2a)

- 5.1 The Premises is the subject of four previous planning applications (Nos. A/K5/136, A/K5/428, A/K5/577 and A/K5/602) considered by the Board. Application No. A/K5/136 for proposed bank use at the Premises was approved with conditions by the Board upon review on 27.9.1991. The planning permission was not taken up by the applicant and the permission lapsed on 27.9.1993.
- 5.2 Application No. A/K5/428 covering a portion of the Premises for retail shop was approved with conditions by the Committee on 14.8.1998.
- 5.3 Application No. A/K5/577 covering both the Premises and the adjoining Unit No. 3 for proposed temporary retail shop for a period of 5 years was rejected by the Committee on 3.12.2004 mainly on the ground of fire safety.
- 5.4 Application No. A/K5/602 for proposed temporary shop and service (bank) use at the Premises for a period of 5 years as an extension of the banking business operating at the adjoining Unit No. 1 was approved with conditions on temporary basis by the Committee on 25.11.2005. The planning permission of the Application No. A/K5/602 expired on 25.11.2010.
- 5.5 Details of the previous applications are at **Appendix II**.

6. Similar Applications

6.1 The Committee has so far considered a total of 8 applications (including the 4 previous applications mentioned in paragraph 5 above) for ‘Shop and Services’ use on G/F of the subject building (**Plan A-2a**). All of these applications were approved by the Committee except Application No. A/K5/577 as mentioned in paragraph 5.3 above. The details of the approved applications are shown in the table below.

<u>Application No.</u>	<u>Unit</u>	<u>Proposed Use</u>	<u>Floor Area (m²)</u>	<u>Date of Consideration (MPC/TPB)</u>	<u>Decision</u>
Uses applicable for the maximum permissible limit of 460m ² for aggregate commercial floor area on G/F of an industrial building (with sprinkler systems)					
A/K5/428	2 (Portion)	Retail Shop	18.83	14.8.1998 (Lapsed)	Approved
A/K5/615	5	Proposed Shop and Services	60.1	7.7.2006	Approved with conditions
Total approved commercial floor area*: 60.1 m²					
Uses not applicable for the maximum permissible limit of 460m ²					
A/K5/135	1	Proposed Bank Use	480	27.9.1991	Approved with conditions on Review
A/K5/136	2	Proposed Bank Use	408	27.9.1991 (Lapsed)	Approved with conditions on Review
A/K5/137	3	Proposed Bank Use	449	27.9.1991 (Lapsed)	Approved with conditions on Review
A/K5/496	5	Fast Food Shop	50	18.5.2001 (Lapsed)	Approved
A/K5/602	2	Proposed Temporary Shop and Services (Bank) for a Period of 5 Years	335	25.11.2005 (Expired)	Approved with conditions on a Temporary Basis up to 25.11.2010

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

6.2 According to TPB PG-No. 22D, the proposed bank under the application is regarded as use that is ancillary to or for the purposes of supporting the industrial activities and routine activities of the workers in the industrial/I-O building. The limit on aggregate commercial floor areas on the G/F of an industrial building is not applicable to bank use.

6.3 Since 2001, the Committee has considered 139 planning applications for various ‘Shop and Services’ uses on the G/F of the industrial buildings and I-O buildings within the “OU(B)” zone in the Cheung Sha Wan Industrial/Business Area. The

Committee approved 130 of these applications while rejecting 9 applications mainly for fire safety reason.

7. **The Site and Its Surrounding Areas** (Drawing A-1, Plans A-1, A-2 and A-2a and photos on Plans A-3 and A-4)

7.1 The Premises:

- (a) occupies Unit No. 2 on G/F of an existing industrial building (Kowloon Plaza); and
- (b) is currently used as a bank (occupying both the Premises and the adjoining Unit No. 1) (**Plan A-4**).

7.2 The subject industrial building:

- (a) is a 19-storey industrial building on top of a basement level completed in 1991 and equipped with a sprinkler system;
- (b) the G/F is mainly by bank (Unit No. 1 and No. 2), factory canteen (Unit No. 3), real-estate agency (Unit No. 5), lift lobby and entrance hall, with car parking spaces on the first floor (**Plan A-2a**); and
- (c) the current uses by floor are summarised as follows:

Floor	Main Uses
Basement	Pump rooms
G/F	Application Premises , factory canteen, bank [@] , real-estate agency [@] , lift lobby and entrance hall
1/F	Carpark
2/F to 21/F (4/F, 13/F and 14/F omitted)	Offices/showrooms, studios*, vacant, under renovation

[@] Covered by planning approvals (Application Nos. A/K5/135 and A/K5/615)

* No record of planning approval granted

7.3 The surrounding areas have the following characteristics:

- (a) it is an established industrial/business area in Cheung Sha Wan (which was rezoned from “Industrial” to “OU(B)” in 2001 and 2002);
- (b) the subject building is surrounded mainly by industrial and I-O buildings with ‘Shop and Service’ uses on G/F; and
- (c) it is easily accessible by various modes of public transport with MTR Lai Chi Kok Station located about 70m southwest of the subject industrial building (**Plans A-1 and A-2**).

8. Planning Intention

The planning intention of “OU(Business)” 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 summarised as follows:

Land Administration

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

- (a) He has no objection to the proposed use.
- (b) The Premises falls within Sub-section 1 and Sub-section 2 of Section B of NKIL 3516 which is governed under the Conditions of Sale No. 4268 dated 1.4.1948 (“the conditions”) and is restricted to factory purposes only. A temporary waiver was granted to the subject premises for purpose of bank use on a quarterly basis.
- (c) The proposal submitted by the applicant does not conflict with the temporary waiver governing the Premises.

Building Matters

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

- (a) He has no objection in principle to the application subject to comments (b) to (i):
- (b) the approved use of the Premises is factory;
- (c) the applicant is advised to engage an Authorized Person (AP) to ensure that any alterations and additions / change of use are implemented in compliance with the Building Ordinance (BO);
- (d) under section 14(1) of the BO, no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within Minor Works under the Building (Minor Works) Regulation;

- (e) the provision of adequate means of escape should be provided in accordance with the Building (Planning) Regulation 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);
- (f) fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code should be provided;
- (g) access and facilities for persons with a disability should be provided in accordance with Building (Planning) Regulations 72 and Design Manual: Barrier Free Access 2008;
- (h) sanitary fitments should be provided in compliance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation; and
- (i) detailed comments under the BO would be provided at the building plan submission stage.

Traffic

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

- (a) She has no in-principle objection to the application at nil provisions of car parking and loading / unloading spaces given the following observations :
 - (i) small and constrained layout;
 - (ii) conveniently located to mass transport / public transport services; and
 - (iii) small scale of development.
- (b) C for T has the right 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 of the subject development.

Fire Safety

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

- (a) He has no objection in principle to the application provided that :
 - (i) fire service installations are provided to the satisfactory of his Department. Detailed fire safety requirement will be formulated upon receipt of formal submission of general building plans; and

(ii) means of escape completely separated from the industrial portion is available for the Premises.

(b) The building is provided with a sprinkler system so that the maximum permissible aggregate commercial floor on G/F is 460m² in accordance with TPB PG-No. 22D. The applied use should not 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 “*Code of Practice for Fire Safety in Building*” which is administered by the Building Authority.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (d) Commissioner of Police (C of P); and
- (e) District Officer (Sham Shui Po), Home Affairs Department (DO(SSP), HAD).

10. Public Comments Received During Statutory Publication Period

On 29.6.2018, the application was published for public inspection. During the three-week statutory public inspection period ending on 20.7.2018, no public comment was received.

11. Planning Considerations and Assessments

11.1 The Premises is currently used as a bank without a valid planning permission. The application is to regularize the use of the Premises, which falls within the “OU(B)” zone, for ‘Shop and Services (Bank)’ use. The “OU(B)” zone is intended primarily for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the use would not result in adverse fire safety and environmental impacts. The proposed ‘Shop and Services (Bank)’ use under application is considered generally in line with this planning intention.

11.2 The Cheung Sha Wan Industrial/Business Area is being transformed into commercial/business uses with many similar applications for ‘Shop and Services’ use approved on 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. Moreover, the shop and services (bank) use is considered not incompatible with other uses of the same industrial building which mainly

comprises shop and services and factory canteen on ground floor and office use on the upper floors.

- 11.3 A total of seven applications for 'Shop and Services' use on G/F of the subject industrial building were approved by the Committee (**Plan A-2a**). Among them, a previous application (No. A/K5/602) for the same use at the Premises (i.e. Unit No. 2) as an extension of the bank at the adjoining Unit No. 1 was approved by the Committee on 25.11.2005 on a temporary basis, and the planning permission expired on 25.11.2010. There is no change in planning circumstances and the approval of the application is consistent with the previous decisions of the Committee on similar applications.
- 11.4 The applied use in general complies with the TPB Guidelines for Development within the "OU(B)" Zone (TPN PG-No. 22D) in that it would not induce adverse fire safety, traffic and infrastructural impacts to the development within the subject building and the adjacent areas. Relevant Government departments consulted including FSD, BD, TD, WSD and DSD have no comment on/no objection to the application.
- 11.5 As confirmed by D of FS, the subject industrial building is protected by a sprinkler system and the limit on aggregate commercial gross floor area on the G/F of industrial building does not apply to the proposed use.
- 11.6 To address D of FS's concern of fire safety aspect, 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.
- 11.7 No public comment on the application was received.

12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the 'Shop and Services (Bank)' use under application is already in existence. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of fire safety measures, including the provision of fire service installations and water supplies for firefighting in the application premises and a means of escape separated from the industrial portion within six months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.2.2019; 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 be revoked immediately without further notice.

Advisory clauses

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

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

13. 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 applicant.

14. Attachments

Appendix I	Application form
Appendix II	Previous applications
Appendix III	Advisory Clauses
Drawing A-1	Location Plan submitted by the applicant
Drawing A-2	Site Plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-2a	Location Plan of Applications on Ground Floor, Kowloon Plaza
Plan A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**