

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K5/817

- Applicant** : Total Fame Industrial Limited represented by Paus Architects Building Maintenance Consultants Limited
- Premises** : Portion of Workshops B3 and B4, G/F, Block B, Hong Kong Industrial Centre, 489-491 Castle Peak Road, Cheung Sha Wan, Kowloon
- Floor Area of Premises** : About 452.566m²
- Lease** : New Kowloon Inland Lot (NKIL) No. 3515 s.C, s.D and s.F
Restricted for factory purposes
- 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 (Showroom for Garments and Ancillary Storage)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Showroom for Garments and Ancillary Storage)’. The applicant clarifies that the showroom use under application is not ancillary to the main industrial use in the subject building and no retail use will be involved. The Premises occupies a portion of Workshops B3 and B4 on the G/F of an existing industrial building, namely Block B of Hong Kong Industrial Centre, which falls within an area zoned “OU(B)2” on the approved Cheung Sha Wan OZP No. S/K5/37 (**Plan A-1**). 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 requires planning permission from the Town Planning Board (the Board).

- 1.2 The Premises is the subject of six previous applications. The latest application (No. A/K5/617) for temporary shop and services (showroom for garments) for a period of 3 years was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 4.8.2006. The approval condition in relation to the submission and implementation of fire service installations proposal was complied with. The planning permission expired on 4.8.2009. The Premises is currently subdivided and used as showroom for garments and possibly with retail use without valid planning permission.
- 1.3 As shown on the layout plan as submitted by the applicant on **Drawing A-1**, the Premises is accessible directly from Castle Peak Road.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with planning statement received on 24.3.2020 **(Appendix I)**
 - (b) Letter dated 19.10.2020 providing responses to departmental comments and revised layout plan *[Accepted and exempted from the publication and recounting requirements]* **(Appendix Ia)**
 - (c) Letter dated 30.11.2020 clarifying the applied use is not ancillary to the main industrial use in the subject building *[Accepted and exempted from the publication and recounting requirements]* **(Appendix Ib)**
 - (d) Letter dated 8.12.2020 clarifying the applied use will not involve retail use *[Accepted and exempted from the publication and recounting requirements]* **(Appendix Ic)**
- 1.5 The application was originally scheduled for consideration by the Committee on 15.5.2020. On 15.5.2020, as requested by the applicant, the Committee agreed to defer making a decision on the application for two months in order to allow sufficient time for the applicant to prepare further information. In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. On 21.8.2020, as requested by the applicant, the Committee agreed to defer making a decision on the application for further two months in order to allow sufficient time for the applicant to prepare further information. The applicant subsequently submitted further information on 19.10.2020 (**Appendix Ia**). The application is scheduled for consideration by the Committee of the Board at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement and submission of further information at **Appendices I to Ic**. They are summarised as follows:

- (a) the use of showroom for garments and fashion accessories at ground floor of the subject building is compatible with the surrounding uses and the uses in the subject building;
- (b) the applied use could allow flexibility in the use of an existing building and is in line with the planning intention of the “OU(B)” zone which is primarily for general business uses;
- (c) the total floor area of the Premises does not exceed the permitted aggregate commercial floor area of 460m² on G/F of the subject industrial building equipped with sprinkler system and there is separate access for the Premises. The means of escape from the Premises is completely separated from the industrial portion of the building. The applied use under the current application complies with the requirements stated in the Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D) and no fire hazard is anticipated;
- (d) the applied use will not induce adverse traffic and environmental impacts; and
- (e) the showroom use under application is not ancillary to the main industrial use in the subject building and no retail use will be involved.

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 are relevant in the following aspects:

- (a) the “OU(B)” zone has been introduced to allow maximum flexibility in the use of existing industrial and I-O buildings as well as in the development of new buildings for both commercial and clean industrial uses. The planning intention of the “OU(B)” zone is primarily for general employment uses;
- (b) whilst it is the intention to provide greater flexibility in the use of the existing industrial or I-O buildings before such buildings are redeveloped, it is necessary to ensure that the fire safety and environmental concerns are properly addressed. In view of the possible presence of existing polluting and hazardous industrial uses, it is necessary to ensure compatibility of the uses within the same building until the whole building is modified/converted to accommodate the new non-polluting and less fire hazard-prone uses;
- (c) the Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the aggregate commercial floor 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. 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. In all cases, separate means of escape should be available for the commercial portion; 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 Applications (Plan A-2a)

- 5.1 The Premises is the subject of six previous planning applications (Nos. A/K5/242, 258, 390, 392, 513 and 617) submitted by different applicants. The site was rezoned from “Industrial” (“I”) to “OU(B)” in 2001. Applications Nos. A/K5/242, 258, 390 and 392 were considered by the Committee when the site was zoned “I” on the OZP while Applications Nos. A/K5/513 and 617 were considered by the Committee when the site was zoned “OU(B)” on the OZP.
- 5.2 Planning Applications Nos. A/K5/242, 258, 390, 392, 513 and 617 for showroom uses were approved with conditions on a temporary basis by the Committee between 1994 and 2006. These planning permissions were expired.
- 5.3 Details of the previous applications are at **Appendix II**.

6. Similar Applications

- 6.1 Since the site was rezoned from “I” to “OU(B)” in 2001, the Committee has considered a total of 12 applications (including the previous applications Nos. A/K5/513 and A/K5/617 mentioned in paragraph 5 above) for ‘Shop and Services’/‘Showroom’ uses on G/F of the subject industrial building (**Plan A-2a**)¹. All of these applications were approved with conditions by the Committee. The details of the approved applications are shown in the table below.

¹ When the site was still zoned “I” before it was rezoned to “OU(B)” in 2001, there were a total of 24 planning applications including four previous applications (No. A/K5/242, A/K5/258, A/K5/390 and A/K5/392 mentioned in paragraph 5) for showroom use at the G/F of the subject industrial building. Out of these 24 applications, 17 applications were approved with conditions and seven were rejected. The 17 approved applications either lapsed, expired or were for use (Showroom) not applicable for the maximum permissible limit of 460m² for aggregate commercial floor area on G/F of an industrial building, and hence they are not included in the table of paragraph 6.1.

Application No.	Unit No.	Proposed Use	Floor Area (m ²)	Date of Consideration	Decision
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/K5/764	B7	Shop and Services	346	22.5.2015 (Revoked)	Approved with conditions
Total Approved Commercial Floor Area:			0 m²		
Uses not 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/K5/506	B5	Showroom for Garments	255.3	15.3.2002	Approved
A/K5/513	B3 & B4	Showroom (for a Period of 3 Years)	459.8	8.11.2002 (Expired)	Approved with conditions on a temporary basis
A/K5/525	B6	Showroom for Garments	251	4.4.2003	Approved with conditions
A/K5/549	B9	Shop and Services (Showroom) with Ancillary Storage	542	9.1.2004	Approved with conditions
A/K5/550	B8	Shop and Services (Showroom) with Ancillary Storage	230	9.1.2004	Approved with conditions
A/K5/552	B7	Shop and Services (Showroom) for a Period of 3 Years	346	9.1.2004 (Expired)	Approved with conditions on a temporary basis
A/K5/555	B1 & B2	Temporary Shop and Services (Showroom for Garments) for a Period of 3 Years	460	13.2.2004 (Expired)	Approved with conditions on a temporary basis
A/K5/617	B3 & B4	Temporary Shop and Services (Showroom for Garments) for a Period of 3 Years	480	4.8.2006 (Expired)	Approved with conditions on a temporary basis
A/K5/630	B1 & B2	Temporary Shop and Services (Showroom for Garments) for a Period of 3 Years	460	9.3.2007 (Expired)	Approved with conditions on a temporary basis
A/K5/631	B7	Shop and Services (Showroom for Garments)	346	23.3.2007	Approved with conditions
A/K5/689	B1 & B2	Shop and Services (Showroom for Garments)	460	19.3.2010	Approved with conditions

- 6.2 According to TPB PG-No. 22D, the ‘Shop and Services (showroom for garments and ancillary storage)’ use under the application, which is not ancillary to the main industrial use in the same building as clarified by the applicant, is subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F of the subject industrial building with a sprinkler system. The Director of Fire Services comments that the showroom use under this application should be counted up to the aggregate commercial floor area since the applicant has confirmed that the showroom is not in connection with the main industrial use in the subject industrial building (**Appendix Ib** and paragraph 9.1.2 refer). If the application is approved, the aggregate commercial floor areas approved (by the Committee) on G/F of the subject industrial building will be 452.566m², which is within the maximum permissible limit.
- 6.3 Since 2001, the Committee has considered 153 planning applications for various ‘Shop and Services’ uses on the G/F of the industrial and I-O buildings within the “OU(B)” zone in the Cheung Sha Wan Industrial/Business Area. The Committee approved 143 of these applications while rejecting ten applications mainly for fire safety reasons.

7. The Site and Its Surrounding Areas (Plans A-1, A-2 and A-2a and Photo on Plan A-3)

7.1 The Premises:

- (a) occupies a portion of Workshops B3 and B4 on G/F of Block B of Hong Kong Industrial Centre;
- (b) has direct frontage to Castle Peak Road; and
- (c) is currently subdivided into various units and used as showroom for garments and possibly with retail use.

7.2 The subject industrial building has the following characteristics:

- (a) is a 14-storey industrial building (including one level of basement for car parking spaces) completed in 1982 and equipped with a sprinkler system; and
- (b) is currently used for the following purposes:

Floor	Main Uses
G/F	The Premises , showrooms and shops
1/F to 12/F	Industrial-related offices/trading firms

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 “I” to “OU(B)” in 2001 and 2002);

- (b) the subject industrial building is surrounded mainly by industrial and I-O buildings with 'Shop and Service'/'Showroom' uses on G/F; and
- (c) it is easily accessible by various modes of public transport with MTR Lai Chi Kok Station located at about 350m to the south of the subject industrial building (**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 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 NKIL No. 3515 s.C, s.D and s.F ("the Lot") which is governed by the Conditions of Sale No. UB4268 dated 1.4.1948 as varied or modified by Conditions of Exchange (and Modification) No. 4481 dated 28.8.1950 ("the Conditions") for factory purposes; and
- (b) the proposed shop and services (showroom for garments and ancillary storage) use at the Premises does not comply with the Conditions. If the planning application is approved by the Board, the owner of the Premises has to apply to LandsD for a waiver or No-objection letter for the proposed use. However, there is no guarantee that the approval will be given. If the application is approved by LandsD acting in the capacity as the private landlord at its sole discretion, it will be subject to payment of fee/premium and imposition of other terms as may be appropriate.

Fire Safety

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

the applied use should be counted up to the aggregate commercial floor area as the proposed Shop and Services (Showroom for Garments and Ancillary Storage) use is not ancillary to the industrial activities in the

building as advised by the applicant. The subject building is provided with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F is 460m² in accordance with TPB PG-No.22D. The application is supported from fire safety point of view as the means of escape from the premises is separated from the industrial portion of the building. The applicant is required to submit and implement fire service installations to the satisfaction of his department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. 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.

Building Matters

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

- (a) no in-principle objection to the application;
- (b) the applicant is advised to engage an Authorised Person (AP) to ensure that any alterations and additions/change in use are implemented in compliance with the Buildings Ordinance (BO);
- (c) 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 section 41 of the BO, or fall within minor works under the Building (Minor Works) Regulation;
- (d) detailed comments under the BO would be provided at the building plan submission stage; and
- (e) attention of the applicant should be drawn that "no objection" to the application should not be construed as an acceptance of any unauthorised building works (UBW) on the Premises under the BO. Enforcement action may be taken by the Building Authority to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary.

Traffic

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

- (a) no in-principle objection to the application at nil provisions of car parking and loading/unloading spaces given that the site is small with constrained layout, conveniently located to mass transport/public transport services, and the development scale is small; and
- (b) the applicant's attention should be drawn 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 of the subject development.

- 9.2 The following Government departments have no objection to or 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

During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is to seek planning permission to use the Premises for ‘Shop and Services (Showroom for Garments and Ancillary Storage)’, not being an ancillary showroom to the main industrial use in the same building and will not involve retail use, as clarified by the applicant. The Premises is currently subdivided into various units used as showroom for garments and possibly with retail use. The planning intention of 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 or environmental impacts. The proposed showroom use at the Premises is considered generally in line with the 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 proposed use is considered compatible with the changing land use character of the area. Moreover, the proposed use is considered not incompatible with other uses of the same industrial building which mainly comprises showrooms and shops on the G/F and industrial-related offices and trading firms on the upper floors.
- 11.3 The applied use in general complies with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic and infrastructural impacts on the developments within the subject building and the adjacent areas. Relevant Government departments including D of FS, C for T, CBS/K of BD, CE/C of WSD and CE/MS of DSD have no comment on/no objection to the application.

- 11.4 As confirmed by D of FS, the subject industrial building is protected by a sprinkler system and subject to a maximum permissible limit of 460m² for aggregate commercial floor area on G/F in accordance with TPB PG-No. 22D. If the application is approved, the gross floor area for the showroom not in connection with the industrial use should be counted up to the aggregate commercial floor area and the aggregate commercial floor area approved by the Committee on the G/F of the subject industrial building will be 452.566m², which is within the maximum permissible limit. To address D of FS's concern on fire safety aspect, approval condition in paragraph 12.2(b) below to require the submission and implementation of fire service installations to the satisfaction of D of FS is recommended.
- 11.5 A total of 12 applications for 'Shop and Services'/'Showroom' uses on the G/F of the subject industrial building were approved with condition(s) by the Committee since 2001 (Table of paragraph 6.1 above and **Plan A-2a** refer). 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.
- 11.6 No public comment on the application was received.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, 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 (Showroom for Garments and Ancillary Storage) use under application is already in existence. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) No retailing activities within the showroom premises will be permitted;
- (b) the submission and implementation of fire service installations, within six months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.6.2021;
- (c) if the above planning condition (a) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (d) if the above planning condition (b) 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 III**.

12.3 There is no strong planning 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 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.

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

Appendix I	Application form with Planning Statement received on 24.3.2020
Appendix Ia	Letter dated 19.10.2020 providing responses to departmental comments and revised layout plan
Appendix Ib	Letter dated 30.11.2020 clarifying the applied use is not ancillary to the main industrial use in the subject building
Appendix Ic	Letter dated 8.12.2020 clarifying the applied use will not involve retail use
Appendix II	Previous Applications
Appendix III	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-2a	Location Plan of Applications on G/F of Block B, Hong Kong Industrial Centre
Plan A-3	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**