

TPB PG-NO. 25D

**TOWN PLANNING BOARD GUIDELINES FOR
USE/DEVELOPMENT WITHIN "INDUSTRIAL" ZONE**

(Important Note:

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, Hong Kong – Tel. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17th Floor, NPGO and 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Introduction

1.1 The Town Planning Board (the Board) recognizes that with the structural changes in the industrial sector, industrial activities in Hong Kong are shifting from manufacturing and production-oriented to more diverse management/service-oriented and information-based. In recent years, there is particularly rapid development of information technology (IT) and telecommunications industries. The "Other Specified Uses (Business)" zone has been introduced by the Board to allow maximum flexibility in the use of existing industrial and industrial-office (I-O) buildings¹, as well as in the development of new buildings for both commercial and clean industrial uses. To further facilitate development of IT and telecommunications industries, the Board sees the need to expand the scope of uses to be permitted in the "Industrial" ("I") zone to accommodate such industries. Although the planning intention of the "I" zone is to reserve land primarily for general industrial uses to ensure an adequate supply of industrial floor space, IT and telecommunications industries are considered compatible with industrial uses. Owing to their special requirements, such as uninterrupted power supply, heavy floor loading and high ceiling, there is a need for such industries to be located in industrial or I-O buildings in the "I" zone.

1.2 With the migration of manufacturing industries to the Mainland, there is also a need to cater for supporting industrial-related non-manufacturing activities which have an important role to play in Hong Kong's economy. To this end, the Board sees the need

¹ An I-O Building is defined as a dual-purpose building in which every unit of the building, other than that in the purpose-designed non-industrial portion, can be used flexibly for both industrial and office purposes. In terms of building construction, the building must comply with all relevant building and fire regulations applicable to both industrial and office buildings, including floor loading, compartmentation, lighting, ventilation, provision of means of escape and sanitary fittings.

to relax the control on offices related to industrial uses and trading firms which require large storage space and frequent loading/unloading. These uses are already permitted in I-O buildings, and will now be permitted as of right in the "I" zone. However, general commercial and office uses will still be subject to planning control in the "I" zone.

2. Scope and Application

- 2.1 This set of Guidelines is intended to set out the revised definitions of some of the industrial and industrial-related use terms listed in the User Schedule of the "I" zone and explain in detail the uses that are permitted as of right within the "I" zone. It also sets out the main planning criteria for assessing planning applications for office buildings and commercial uses in industrial or I-O buildings within the "I" zone.

3. Definition of Terms

Industrial Use

- 3.1 **Industrial Use** means the use of any place, premises or structure for the manufacture, alteration, cleansing, repairing, ornamenting, finishing, adaptation for sale, breaking up, or demolishing or transformation of goods and materials; for the storage, loading, unloading or handling of goods and cargo; or for the training, research, design and development, quality control and packaging in relation to the above processes.
- 3.2 Heavy and obnoxious industries, which have special locational requirements and different traffic and environmental impacts from general industrial uses, should be directed to specially designated sites. The industrial uses permitted in the "I" zone therefore exclude uses of such nature which are large-scale and/or require free-standing purpose-designed premises, such as aircraft maintenance and repair plant, chemical and biochemical plant, cement manufacturing plant, electric power station, gas works, material recovery/recycling facility, mining and quarrying, oil depot, oil refinery and petrol-chemical plant, refuse disposal installation, resource recovery park and sand depot. These uses should be accommodated in special industrial areas or "Other Specified Uses" zones specifically designated for such uses.

Office Related to Industrial Use

- 3.3 **Office Related to Industrial Use** means any premises where the activities of a firm are in direct support of and complementary to an associated industrial operation, which may or may not be located in the same premises or building, or in the same general industrial

area.

IT and Telecommunications Industries

3.4 **IT and Telecommunications Industries** generally refers to establishments involved in the manufacture, design, development, production, operation, processing or assembly of, or research into, any of the following :

- (a) electronic and micro-electronic systems, goods and components;
- (b) IT products and services including any computer hardware and software, contents and applications; and
- (c) telecommunications facilities and telecommunications services².

3.5 For the avoidance of doubt, activities involving direct provision of customer services, retail services or goods related to IT and telecommunications uses are excluded. General commercial/office uses are also excluded notwithstanding that these uses may adopt, in their process of working or operation, equipment or facilities that fall within those set out in paragraph 3.4.

Research, Design and Development Centre

3.6 **Research, Design and Development Centre** means any premises used for research and design of new or substantially modified products or industrial processes, and research and development of IT and telecommunications.

4. Permitted Uses/Developments in the "I" Zone

4.1 In general terms, in addition to general industrial uses, IT and telecommunications industries, office related to industrial use, research, design and development centre are permitted as of right in the "I" zone. However, because of fire safety consideration, only activities that do not attract a large number of visiting members of the public to the premises due to the direct provision of customer services or goods will be permitted.

4.2 IT and telecommunications facilities and equipment, such as gateways, exchanges, switching centres, radio base stations, paging centres, data centres, data processing/computer centres, telesites or carrier hotels are considered suitable to operate in industrial and I-O buildings. Hence, these uses are permitted as of right within the

² "telecommunications" and "telecommunications services" having the same definitions as defined in the

“T” zone. However, any activities involving direct provision of customer services or goods related to IT and telecommunications uses are excluded.

- 4.3 Office related to industrial use is always permitted in both industrial and I-O buildings. There is no requirement for the related industrial operation to be located within the same premises or building, or in the same industrial area. Trading firm requiring frequent loading/unloading and large storage space of not less than 30% of the total usable floor area (UFA) of the firm within the same premises or building, which cannot normally be accommodated in conventional commercial/office buildings, will also be permitted.
- 4.4 Other commercial uses (such as eating place, office, and shop and services) as specified in the Notes will be permitted in the purpose-designed non-industrial portion on the lower floors of an existing building, provided that such uses are separated from the industrial uses located above by a buffer floor of non-hazardous occupancy, such as a parking or loading/unloading floor. For fire safety reason, no industrial uses will be permitted to co-exist with the commercial uses in the non-industrial portion.
- 4.5 Ancillary showroom use of up to 20% of the total UFA of an industrial firm in the same premises or building will be permitted without application. Motor-vehicle showroom use is also permitted as of right on the ground floor of an industrial building.
- 4.6 In accordance with the covering Notes to outline zoning plans, all uses ancillary and directly related to a permitted use, other than ancillary showroom use exceeding the 20% UFA threshold, are always permitted and no separate planning permission will be required.

5. Requirement for Planning Permission

- 5.1 Pure office building and commercial uses in an industrial building or on the upper floors of an I-O building, other than those specified in Column 1 of the Notes, will require planning permission from the Board under section 16 of the Town Planning Ordinance. Each application will be considered on its individual merits. These include general office use such as consultant firms and various types of agencies, and showroom use unrelated to any industrial operation in the same premises/building or exceeding the 20% UFA threshold.

6. Main Planning Criteria

6.1 The following main planning criteria are relevant in the consideration of proposed development of office building:

- (a) Any proposal for the development of office building should demonstrate that there is a shortfall in the provision of office and other commercial floor space to serve the industrial activities in the area, and there are no suitable alternative sites to accommodate the proposed office building in the vicinity.
- (b) The location of the proposed office building should be easily accessible to public transport facilities, in particular railway stations, to minimize the potential traffic generation.
- (c) Favourable consideration may be given to proposed office development on sites within the part of an industrial area requiring renewal or restructuring, and the proposed development will induce significant improvement to the general amenity and environment of the area, or will alleviate existing interface problems by providing an environmental buffer between existing industrial and residential or other environmentally sensitive uses, such as school and community facilities.
- (d) There should be an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department.

6.2 For a proposed commercial use in an industrial building or on the upper floors of an I-O building, the following main planning criteria are relevant:

- (a) It should be demonstrated that there is a genuine need for the proposed use under application and no suitable alternative accommodation can be found in the vicinity. The location and scale of the proposed use should be justified on operational grounds.
- (b) Depending on the circumstances of individual cases and the availability of I-O or 'business' buildings in the vicinity at the time of application, the Board may grant temporary permission for ancillary showroom use exceeding 20% of the total UFA of an industrial firm in industrial buildings.
- (c) Provided that other criteria could be met and with good justifications, favourable consideration would be given to applications for showrooms requiring large floor

area for the display of bulky goods and provision of adequate on-site loading/unloading facilities, which could not normally be accommodated in conventional commercial/office buildings.

- (d) There should be an adequate provision of parking and loading/unloading facilities within the site in accordance with the Hong Kong Planning Standards and Guidelines and to the satisfaction of the Transport Department. The inclusion and operation of the proposed commercial use should not adversely affect the traffic conditions in the local road network.
- (e) 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 areas³ 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 merits. 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 (sited at street level without seating accommodation and licensed as food factory), electrical shop (selling electrical accessories usually with repairing services and small in scale), local provisions store (selling cigarettes, drinks, canned food and other local convenience goods, and small in scale) and showroom in connection with the main industrial use. Any prospective applicant may check with the Planning Department on the aggregate commercial floor area figure in the concerned industrial or I-O building. Moreover, the 230m²/460m² criteria do not apply to cases involving conversion of the low zone of an existing industrial or I-O building for commercial uses if the commercial portion is completely separated from the industrial or I-O portion on the upper floors by a buffer floor of non-hazardous occupancy such as a car-parking floor. In all cases, separate means of escape should be available for the commercial portion. Also, FSD will not support commercial uses in the basement(s) of an industrial or I-O building as the basement(s) are more susceptible to fire risk and pose more serious hazards when involved in fire.

³ In calculating the floor area, staircases, common circulation areas, lift landings, lavatories, water closets and any space occupied by machinery for any lift, air-conditioning system or similar service provided for the building may be excluded.

7. Modification/Change of Use in Existing Industrial or I-O Buildings

7.1 Where there is a modification/change of use, say, from one type of industrial use to another, or from industrial to non-industrial, the proposed use must be permitted in terms of the extant statutory plan. Where partial conversion of an industrial or I-O building to any use requiring planning permission is proposed, it must be demonstrated that the proposed use would be acceptable in terms of fire safety, land use, traffic and environmental considerations.

7.2 There is no provision for planning application for partial conversion of an industrial building for place of entertainment, educational institution and religious institution due to fire safety and other planning considerations. Conversion of an industrial building in whole for these and other compatible uses may be permitted on application to the Board based on individual merits.

8. Other Statutory and Non-statutory Requirements

8.1 For all new development, redevelopment, conversion and modification/change of use, all other statutory and non-statutory requirements of relevant Government departments must also be met. These include the building structure, means of escape and fire safety requirements, which will be considered at the building plan submission stage.

TOWN PLANNING BOARD

September 2007

**Details of Similar s.16 Application for Shop and Services and Wholesale Trade
in the Area**

Application No.	Zoning	Applied Use(s)	Date of Consideration	Decision	Approval Conditions
A/TM/345	“Other Specified Uses” annotated Business	Shop and Services & Wholesale Trade	17.2.2006	Approved with conditions (revoked on 17.11.2007)#	(a) and (b)

Approval conditions

- (a) the submission and implementation of fire safety measures to the satisfaction of the Director of Fire Services (D of FS) within 6 months until 17.8.2006.
- (b) if the above planning condition 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.

failure in compliance with condition (a) satisfactorily by the specified date.

Advisory Clauses

- (a) to note that approval of the application should not be construed as an acceptance or condonation of any unauthorised building structures in the Premises by the Committee.
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the proposed 'Wholesale Trade' use of the Premises does not comply with the lease conditions. The owner will need to apply to the LandsD for a temporary waiver for the above proposal. The proposal will only be considered upon receipt of formal application from the owner. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment 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 to do so, including, among others, charging of waiver fee and administrative fee.
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that adequate fire protection/separation between uses and adequate means of escape for the proposed wholesale trade and workshops should be provided in compliance with 'Code of Practice for Fire Safety in Buildings 2011'. Barrier free access and accessible toilet should be provided in compliance with Design Manual: Barrier Free Access 2008. According to the approved building plan, there are no direct exits at the Premises fronting Ming Kum Road. In his record, no approval has been given for provision of exits at the Premises fronting Ming Kum Road. Before any building works are to be carried out in the Premises, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). According to his record, there is no direct exit from the subject premises leading to Ming Kum Road. Detailed comments under the BO will be provided at building plan submission stage.
- (d) to note the comments of the Director of Fire Services (D of FS) that the provision of fire service installations (FSI) and equipment at the application premises and means of escape directly to Ming Kum Road and completely separated from the industrial portion in the subject industrial building to his satisfaction before operation of the proposed use. Detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans. The building is protected with a sprinkler system so that the maximum permissible aggregate commercial floor area on G/F is 460m² in accordance with TPB PG-No. 25D. The applied use should be counted up to the aggregate commercial floor area. Regarding matters related to fire resisting construction of the Premises, the applicant is reminded to comply with the 'Code of Practice for Fire Safety in Buildings 2011' which is administered by the Building Authority. The applicant's attention should be drawn to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises'.
- (e) to note the comments of the Director of Electrical and Mechanical Services Department (DEMS) that the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the Premises should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Premises. The parties should also be reminded to observe the Electricity Supply Lines (Protection)

Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the applicant should provide adequate drainage measures to prevent surface water flowing from the lot onto the nearby public roads and drains.