

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K3/578

<u>Applicant</u>	Sunwacork Insulation Materials Supplies Limited represented by Land Supreme Surveyors Limited
<u>Site</u>	Portion of Ground Floor, Hong Tai Building, 85 Larch Street, Tai Kok Tsui, Kowloon
<u>Floor Area of the Premises</u>	About 203.6m ²
<u>Lease</u>	Kowloon Inland Lot No. 8156 (a) a lease term of 75 years commencing from 30.9.1963 renewable for a further term of 75 years; and (b) restricted to industrial purpose excluding offensive trades; and factory ancillary offices and quarters for persons essential to the safety and security of the building.
<u>Plan</u>	Draft Mong Kok Outline Zoning Plan (OZP) No. S/K3/30
<u>Zoning</u>	“Residential (Group E)” (“R(E)”) [Restricted 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 of 80mPD, or the height of the existing building, whichever is the greater. For a non-domestic building to be erected on the site, the maximum PR shall not exceed 9.0.]
<u>Application</u>	Proposed Temporary Shop and Services for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for proposed shop and services for industrial products for a temporary period of five years. The Premises occupies part of G/F of an industrial building (Hong Tai Building) at 85 Larch Street, Tai Kok Tsui, Kowloon (**Plans A-1 and A-2**).
- 1.2 According to the Notes of the OZP for Schedule II of “R(E)” zone for existing industrial or industrial-office building, ‘Shop and Services’ (not elsewhere specified)

(ground floor only) is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 15.12.2017 **(Appendix I)**
- (b) Supplementary planning statement **(Appendix Ia)**

1.4 A plan showing the layout of G/F (including the Premises) of the subject building submitted by the applicant is at **Drawing A-1**.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix Ia**. They can be summarised as follows:

- (a) The proposed shop and services use is in line with the long term planning intention of “R(E)” zone. The Premises, involving a floor area of 203.6m² only, is compatible with the existing uses and buildings in the area.
- (b) The industrial products to be sold at the Premises are more or less similar to normal industrial products.
- (c) There will not be material change to both the exterior and interior of the current state of the Premises.
- (d) Three private car parking spaces are currently provided on G/F of the existing building, with no loading/unloading bay for goods vehicles. Such provision will remain unchanged under the subject application.
- (e) The proposed temporary use does not involve any noticeable built structure and thus no adverse visual impact will be resulted.
- (f) Currently, there is no sprinkler system in the subject building. As the Premises is located at G/F, staff and customers can leave the Premises easily and quickly in case of fire. Besides, it is considered that the fire hazard for industrial use is greater than that for shop and services use.

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. Background

The Hong Tai Building was completed in 1965 when the site was zoned Industrial” (“I”) on the Mong Kok OZP. In 2001, the subject site was rezoned from “I” to “R(E)” to facilitate

phasing out of existing industrial uses whilst allowing adequate planning control on the new residential development in order to address the industrial/residential interface problem.

5. Previous Application

There is no previous application in respect of the Premises.

6. Similar Applications

Since 2004, there have been 23 similar applications for shop and services, retail cum industrial/office uses at various sites, individual units/floors within “R(E)” zone in Mong Kok. These applications were approved with conditions by the Metro Planning Committee (the Committee) of the Board. The locations and details of these applications are at **Plan A-1** and **Appendix II**.

7. The Premises and Its Surrounding Areas (Plans A-1, A-2 and A-5, and Photos on Plans A-3 and A-4)

7.1 The Premises:

- (a) is located at G/F of an existing 10-storey industrial building abutting Larch Street; and
- (b) is partly used for storage use.

7.2 According to the Occupation Permit issued by the Building Authority, 1/F to 9/F of the subject building is approved for factory space for non-domestic uses and G/F is approved for non-domestic uses including factory and garage for three vehicles.

7.3 According to site inspection conducted on 24.1.2018, the upper floors of the existing building are mainly used for storage, workshop and ancillary office uses¹.

7.4 The surrounding areas have the following characteristics:

- (a) predominantly industrial developments intermixed with residential developments and government, institution or community facilities. Commercial uses are commonly found on G/F of these developments; and
- (b) the Mong Kok and Prince Edward MTR stations are located about 550m to the southeast and northeast of the Premises respectively.

¹ Each floor is occupied by one unit. The uses of three units cannot be ascertained due to no relevant information found during the site inspection, and one unit appears to be used by a Chinese opera troupe.

8. Planning Intention

The planning intention of the “R(E)” zone is 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.

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) There is no objection to the application.
- (b) Since the Premises is proposed to be used as retail shop for industrial products, the proposed use is in conflict with the user restriction under the Government Lease.
- (c) The registered owner via his agent has submitted a waiver application to LandsD for the proposed use covering a portion of the Premises only. If the planning application is approved, her office will process the waiver application. However, there is no guarantee that the waiver application will be approved. The waiver application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that any waiver application is approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee and administrative fee as may be imposed by LandsD.

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.
- (b) The proposed change of use in the Premises should in all aspects comply with the Buildings Ordinance.
- (c) Adequate means of escape and fire resisting construction should be provided in accordance with Building (Planning) Regulation (B(P)R) 41(1), Building (Construction) Regulation 90 and the Code of Practice for Fire Safety in Buildings 2011.

- (d) There should be provision of access and facilities for persons with a disability in compliance with B(P)R 72 and the Design Manual: Barrier Free Access 2008.
- (e) Detailed comments will be provided at the building plan submission stage.

Traffic

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

Given the short term nature of the proposed change of use and no additional loading/unloading demand, there is no adverse comment on the application from traffic management point of view.

Fire Safety

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

- (a) He has no objection in principle to the application subject to:
 - (i) fire service installations and equipment being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
 - (ii) means of escape separated from the industrial portion is available for the subject unit; and
 - (iii) the aggregated commercial floor area on G/F is not over 230m².
- (b) The building is not provided with a sprinkler system so the maximum permissible aggregated commercial floor area on G//F is 230m². The applied use should be counted up to the aggregated commercial floor area.

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Director-General of Trade and Industry (DG of TI); and
- (e) District Officer (Yau Tsim Mong) (DO(YTM)).

10. Public Comments Received During Statutory Publication Period

On 22.12.2017, the application was published for public inspection. During the three weeks public inspection period, which ended on 12.1.2018, no public comment was received.

11. Planning Considerations and Assessments

11.1 While the planning intention of the “R(E)” zone under the OZP is to phase out existing industrial uses through redevelopment or conversion for residential use, the proposed shop and services use at G/F of the subject industrial building, though temporary in nature, is not incompatible with the existing uses in the subject building and the surrounding area, which is predominantly industrial developments intermixed with residential developments with commercial uses commonly found at G/F of these developments (**Plans A-3 to A-5**). From land use planning point of view, the proposed use is considered not unacceptable.

11.2 The proposed shop and services use involving a floor area of about 203.6m² occupies a majority portion of the G/F of the subject building. There are also similar applications (**Plan A-1 and Appendix II**) approved with conditions for retail shop, retail cum industrial/office uses within the “R(E)” zone in Mong Kok area. The proposed shop and services use is not expected to generate adverse impact on the surrounding areas. Concerned departments consulted including FSD, TD, EPD and DSD have no objection to the application.

11.3 The subject industrial building, which is not provided with a sprinkler system, is subject to a maximum limit of 230m² permissible aggregate commercial floor area on G/F. No previous commercial floor area has been approved for G/F of the subject industrial building. In this connection, D of FS has no objection to the application subject to approval condition on the provision of fire service installations.

11.4 There is no public comment received on the application.

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 on a temporary basis for a period of five years.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until 9.2.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission and implementation of the proposal for fire safety measures, including the provision of fire service installations and equipment at the application premises and means of escape separated from the industrial portion of the subject industrial building before operation of the use to the

satisfaction of the Director of Fire Services or of the Town Planning Board;
and

- (b) if the above planning condition is not complied with, 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 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, and the period of which the permission should be valid on a temporary basis.
- 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 received on 15.12.2017
Appendix Ia	Supplementary Planning Statement
Appendix II	Similar Applications within “R(E)” Zone in Mong Kok since 2004
Appendix III	Advisory Clauses
Drawing A-1	Ground Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos
Plan A-5	Existing Land Uses in the Surrounding Areas