

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/K5/800**

- Applicant** : Urban Renewal Authority (URA)
- Premises** : Unit A (Portion), G/F, Wing Hong Factory Building, 777-783 Yu Chau West Street, Cheung Sha Wan, Kowloon
- Floor Area** : 230m<sup>2</sup>
- Lease** : (a) New Kowloon Inland Lot (NKIL) 3506  
(b) Restricted for general industrial purposes excluding offensive trades
- Plan** : Approved Cheung Sha Wan Outline Zoning Plan (OZP) No. S/K5/37
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
- [Restricted to a maximum plot ratio (PR) of 12 and a maximum building height (BH) of 130 metres above Principal Datum, or the PR/BH of the existing building, whichever is the greater.]
- Application** : Proposed Shop and Services (Neighbourhood Resources Centre)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use a portion of a unit (i.e. Unit A) on the ground floor (G/F) (the Premises) of an existing industrial building (Wing Hong Factory Building) for proposed ‘Shop and Services (Neighbourhood Resources Centre)’. It falls within an area zoned “OU(B)” 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 “OU(B)” zone requires planning permission from the Town Planning Board (the Board).
- 1.3 According to the submission, the main entrance of the Premises will be accessed from Wing Hong Street (**Drawing A-3**). The location plan and site plan of the Premises, and layout plan showing the Premises on G/F of the subject building, as submitted by the applicant, are at **Drawings A-1 to A-3**.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 21.8.2018 with an executive summary and plans **(Appendix I)**
  - (b) Applicant's email received on 23.8.2018 with replacement pages of the application form and a revised layout plan **(Appendix Ia)**
  - (c) Applicant's letter received on 28.9.2018 providing responses to departmental comments **(Appendix Ib)**
  - (d) Applicant's letter received on 5.10.2018 providing clarifications on the floor area and the revised boundary of the Premises **(Appendix Ic)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are set out in **Appendices I and Ia to Ic**. They can be summarised as follows:

- (a) the proposed neighbourhood resources centre run by URA will provide services and act as a bridge between different stakeholders in neighbouring areas and the URA on different urban renewal fronts, including but not limited to providing assistance to different stakeholders on redevelopment projects and rehabilitation schemes, in particular the recent Operation Building Bright 2.0. It is also intended to provide local residents in the neighbouring areas with easy access to information on URA's urban renewal initiatives, especially on redevelopment/rehabilitation matters;
- (b) the proposed Neighbourhood Resources Centre is also in line with the intention of the "Optimising the Use of Industrial Buildings" pursuant to the 2013 Policy Address to meet Hong Kong's changing social needs; and
- (c) the Premises is currently a property of the URA. It is considered to have potential to be developed into the proposed Neighbourhood Resources Centre in terms of its accessibility and location. It is within a walking distance to public transport facilities including bus stops and MTR station.

## **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 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 460m<sup>2</sup> and 230m<sup>2</sup> 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, 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, and all other statutory or non-statutory requirements of relevant Government departments must also be met.

## **5. Previous Applications**

There is no previous application at the Premises.

## **6. Similar Applications**

- 6.1 There is no similar planning application for ‘Shop and Services’ use in respect of the subject building.
- 6.2 Since 2001, the Committee has considered 142 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 133 of these applications while rejecting 9 applications mainly for fire safety reasons.

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

7.1 The Premises:

- (a) occupies a portion of Unit A on G/F of an existing industrial building (Wing Hong Factory Building) at the junction of Wing Hong Street and Yu Chau West Street; and
- (b) is currently vacant.

7.2 The subject industrial building:

- (a) was completed in 1962 and is not equipped with a sprinkler system;
- (b) has a total of 10 storeys;
- (c) the G/F, including the Premises, is currently vacant with loading/unloading spaces, and with access on Yu Chau West Street (**Plan A-2a**); and
- (d) the current uses by floor are summarised as follows:

<b>Floor</b>	<b>Current Use</b>
G/F	Vacant (the Premises), vacant/locked units, loading/unloading spaces
1/F to 9/F	Industrial-related offices, warehouses, vacant/locked units

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 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 at about 200m southwest 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) No objection to the application.
- (b) The Premises falls within NKIL 3506 (“the Lot”) which is governed under Government Lease dated 27.10.1948 as varied and modified by a Modification Letter **dated 30.1.1959 and a waiver letter** dated 26.8.2013 (“the lease conditions”). The Premises is restricted for general industrial purposes excluding offensive trades, and canteen is permitted within portion of the Premises. The proposed ‘Shop and Services (Neighbourhood Resources Centre)’ use is not permitted under the lease conditions.
- (c) If the application is approved by the Board, the owner of the Premises has to apply to LandsD for a waiver or no objection letter (NOL) to permit the proposed ‘Shop and Services (Neighbourhood Resources Centre)’ use (“the waiver/NOL application”). However, there is no guarantee that the waiver/NOL application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the private landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of waiver fee/premium 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) No in-principle objection to the application subject to comments (b) to (h) below.
- (b) The applicant is advised to appoint an Authorised Person to ensure that any alterations and additions/change of use are implemented in compliance with the Buildings Ordinance (BO).

- (c) Under section 14(1) of 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 BO, or fall within minor works under the Building (Minor Works) Regulation.
- (d) Adequate means of escape should be provided in accordance with the Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for Fire Safety in Buildings 2011 (FS Code).
- (e) Fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 90 and the FS Code should be provided.
- (f) Access and facilities for persons with a disability should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008.
- (g) Sanitary fitments should be provided in compliance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation.
- (h) Detailed comments under BO would be provided at the building plan submission stage.

### **Traffic**

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

- (a) No in-principle objection to the application at nil provision of car parking and loading/unloading spaces given the following observations:
  - (i) small and constrained site layout;
  - (ii) conveniently located to mass transport/public transport services; and
  - (iii) small scale of development.
- (b) The applicant should note that 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) No in-principle objection to the application provided that:

- (i) fire service installations and water supplies for firefighting being provided to the satisfaction of his department. Detailed fire services requirement 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 aggregate commercial floor area on G/F is not over 230m<sup>2</sup>.
- (b) The building is not protected with a sprinkler system so the maximum permissible aggregate commercial floor area on G/F is 230m<sup>2</sup> in accordance with TPB PG-No. 22D. The proposed use should 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.
  - (d) 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.

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 28.8.2018, the application was published for public inspection. During the three-week statutory public inspection period ending on 18.9.2018, no public comment was received.

## **11. Planning Considerations and Assessments**

11.1 The applicant seeks planning permission to use the Premises at the G/F of an existing industrial building within the “OU(B)” zone for proposed ‘Shop and Services (Neighbourhood Resources Centre)’. 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 (Neighbourhood Resources Centre)' 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 similar applications for 'Shop and Services' approved on G/F units of other industrial and I-O buildings in the vicinity of the Premises. The proposed use under application is compatible with the changing land use character of the area. Moreover, the use of shop and services is considered not incompatible with other uses of the same industrial building including mainly industrial-related offices and warehouses on the upper floors.
- 11.3 The proposed use in general complies with the TPB Guidelines for Development within the "OU(B)" zone (TPB 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, LandsD, WSD and DSD have no adverse comment on/no objection to the application.
- 11.4 As confirmed by D of FS, the subject industrial building is not equipped with a sprinkler system and subject to a maximum permissible limit of 230m<sup>2</sup> for aggregate commercial floor area on G/F in accordance with TPB PG-No.22D. If the current application is approved, the aggregate commercial floor area approved by the Committee on the G/F of the subject building will be 230m<sup>2</sup>, which is within the maximum permissible limit of 230m<sup>2</sup> as stated above.
- 11.5 No public comment was 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.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 19.10.2020, 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 suggested for Members' reference:

### Approval conditions

- (a) the provision of fire service installations and water supplies for firefighting and a means of escape separated from the industrial portion 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 before operation of the use, 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 II**.

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, and the date when the validity of the permission should expire.
- 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**

<b>Appendix I</b>	Application Form received on 21.8.2018 with an executive summary and plans
<b>Appendix Ia</b>	Applicant's email received on 23.8.2018 with replacement pages of the application form and a revised layout plan
<b>Appendix Ib</b>	Applicant's letter received on 28.9.2018 providing responses to departmental comments
<b>Appendix Ic</b>	Applicant's letter received on 5.10.2018 providing clarifications on the floor area and the revised boundary of the Premises
<b>Appendix II</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Location Plan submitted by the applicant
<b>Drawing A-2</b>	Site Plan submitted by the applicant
<b>Drawing A-3</b>	Layout Plan submitted by the applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-2a</b>	Ground Floor Plan of Wing Hong Factory Building
<b>Plans A-3 and A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2018**