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# SECTION 16 PLANNING APPLICATION **TOWN PLANNING ORDINANCE (CAP. 131)**

PROPOSED 'SHOP AND SERVICES' AND PROPOSED 'SHOP AND SERVICES (BANK/ FAST FOOD COUNTER/ELECTRICAL SHOP/ LOCAL PROVISIONS STORE/SHOWROOM)' AT PORTION OF G/F, JING WAH BUILDING, NO. 10 SAM CHUK STREET, SAN PO KONG, KOWLOON

IN RESPECT OF "OTHER SPECIFIED USES (BUSINESS)" ZONE UNDER THE APPROVED TSZ WAN SHAN, DIAMOND HILL AND SAN PO KONG OUTLINE ZONING PLAN NO. S/K11/31

SUPPLEMENTARY PLANNING STATEMENT

#### **Executive Summary**

This planning statement is prepared in support of a planning application for **Proposed 'Shop** and **Services'** and **Proposed 'Shop** and **Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' at Portion of G/F, Jing Wah Building, No. 10 Sam Chuk Street, San Po Kong, Kowloon. The application premises is zoned "Other Specified Uses" annotated "Business" ("OU(Business)") on the Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/31.** 

The application premises involve total floor area of about 335.3 m<sup>2</sup>. Portion of the application premises (Portion 1) will be converted from workshop to 'Shop and Services' while the other portion of the application premises (Portion 2) will be converted from workshop to 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)'. The proposed partitioning shall be as follows:-

<b>Application Premises</b>	Proposed Use	Floor Area (m²)
Portion 1	'Shop and Services'	about 126.5 m <sup>2</sup> (about)
Portion 2	'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)	about 208.8 m <sup>2</sup> (about)
		Total 335.3 m <sup>2</sup> (about)

The application premises will be separated from the industrial portion of the subject building by buildings material with acceptable fire resistance period (FRP). It will also be provided with new, independent, exclusive Means of Escape (MOE) separated with the industrial portion of the building. All the fire service installations in the premises will fulfill the requirements of Fire Services Department to ensure fire safety of the new use.

The proposed uses at the subject premises is justified mainly on the following grounds:-

- (i) The proposed uses are compatible to the adjoining uses.
- (ii) The proposed use conforms to the planning intention of "OU(Business)" zone.
- (iii) The proposed use could fulfill the great demand of shop and services within the San Po Kong business area.
- (iv) The proposed use complies with Town Planning Board Guidelines No. 22D regarding development within industrial building in "OU(Business)" zone.
- (v) There would be no traffic and environmental impact generated from the proposed use.
- (vi) There are similar planning approvals within the same OZP.

In view of the justifications throughout this planning statement, we sincerely hope that members of the Board will approve this application.

#### 行政摘要

此規劃報告書旨在支持新蒲崗三祝街10號正華工業大廈地下(部分)作「商店及服務行業」及「商店及服務行業(銀行、快餐櫃檯、電氣工程店、士多及陳列室)」用途。申請處所位於慈雲山、鑽石山及新蒲崗分區計劃大綱核准圖(圖則編號S/K11/31)上的「其他指定用途(商貿)」地帶。

申請處所涉及樓面面積共約335.3平方米。部份申請處所(部份1)擬議由工場改作「商店及服務行業」,而另一部份申請處所(部份2) 擬議由工場改作「商店及服務行業(銀行、快餐櫃檯、電氣工程店、士多及陳列室)」用途。 擬議間隔將安排如下:-

申請處所	擬議用途	樓面面積(平方米)
部份1	「商店及服務行業」	約126.5 平方米
部份2	「商店及服務行業(銀行、快餐櫃檯、電 氣工程店、士多及陳列室)」	約208.8 平方米
		共335.3平方米

申請處所將會與有關建築物的工業部分以可接受的耐火時效建築物材料完全分隔。處所也將提供新的、獨立的及專用的走火逃生路徑。 處所內所有消防設備將履行消防處的要求,以確保消防安全。

本規劃報告書提出的規劃理據如下:

- (i) 擬議用途與毗鄰用途相容。
- (ii) 擬議用途符合「其他指定用途(商貿)」地帶的規劃意向。
- (iii) 擬議用途可以滿足商店及服務行業在新蒲崗工業/商業領域內的巨大需求。
- (iv) 擬議用途符合城市規劃委員會指引編號22D內有關商貿區中工業大廈的發展指引。
- (v) 擬議用途不會增加交通流量,亦不會產生環境影響。
- (vi) 分區計劃大綱圖內有多個類似規劃申請的獲批准。

以此理據,此敬希 各城規會成員能批准本用途申請。

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# RAYMOND CHAN SURVEYORS LIMITED December 2024

# SECTION 16 PLANNING APPLICATION TOWN PLANNING ORDINANCE (CHAPTER 131) SUPPLEMENTARY PLANNING STATEMENT

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PROPOSED 'SHOP AND SERVICES' AND
PROPOSED 'SHOP AND SERVICES (BANK/ FAST FOOD COUNTER/
ELECTRICAL SHOP/ LOCAL PROVISIONS STORE/ SHOWROOM)'
AT PORTION OF G/F, JING WAH BUILDING, 10 SAM CHUK STREET,
SAN PO KONG, KOWLOON (NEW KOWLOON INLAND LOT NO. 4437)
IN RESPECT OF "OTHER SPECIFIED USES (BUSINESS)" ZONE UNDER
THE APPROVED TSZ WAN SHAN, DIAMOND HILL AND SAN PO KONG
OUTLINE ZONING PLAN NO. S/K11/31

#### 1 INTRODUCTION

- 1.1 This Planning Statement is submitted to the Town Planning Board ("the Board") in support of a planning application for proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' at Portion of G/F, Jing Wah Building, 10 Sam Chuk Street, San Po Kong, Kowloon (hereafter referred to as "the application premises"). The location of the application premises is shown per Plan 1 and Plan 2.
- The application premises falls within an area zoned "Other Specified Uses" annotated "Business" ("OU(Business)") on the Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/31 ("the OZP") (Plan 3). According to Schedule II of the schedule of user for this zoning, 'Shop and Services (not elsewhere specified)' is listed under Column 2 use and requires planning permission from the Town Planning Board (the Board).
- This planning statement presents the site context, the planning context, proposed development as well as planning justifications in support of the planning application for proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' pursuant to section 16 of the Town Planning Ordinance (CAP 131) for the consideration of the Board and relevant government departments concerned.

#### 2 SITE CONTEXT

# 2.1 The Application Premises

Location and Existing Use

2.1.1 The application premises is located at portion of G/F, Jing Wah Building, 10 Sam Chuk Street, San Po Kong, Kowloon. The total floor area of the premises for is about 335.3 m<sup>2</sup>. It is currently vacant (**Plate 1**).



**Plate 1** The Application Premises

2.1.2 The subject building is a 9-storey industrial building, namely Jing Wah Building (10 Sam Chuk Street), commonly built with the adjoining 15-storey industrial building, namely Efficiency House (35 Tau Yau Street). According to the approved general building plans (GBP) under BD ref. 2/5047/62, the existing main uses on each floor are as follows (Table 1):-

Table 1 Existing Uses of the Subject Commonly Built Industrial Buildings

<u>Floor</u>	10 Sam Chuk Street	<u>Floor</u>	35 Tai Yau Street
G/F	Car Park and Workshop	G/F	Car Park and Workshop
1-8/F	Workshops	1-8/F	Workshops
R/F	Plant Room	9-14/F	Workshops
		R/F	Plant Room

Neighbourhood Characteristics (Plate 2)

- 2.1.3 The application premises abuts Sam Chuk Street and Tai Yau Street. The ground floor of the adjoining premises, 35 Tai Yau Street is currently a factory canteen (Photo 1) and Bank. To the immediate northeast of the application premises across Sam Chuk Street are industrial buildings, Canny Industrial Building and Kai Yip Factory Building, which are zoned "OU(Business)" on the same OZP (Photo 2). To the immediate west of the application premises across Tai Yau Street is Wah Hing Industrial Mansions, which are zoned "OU(Business)" on the same OZP. 'Shop & Services' use are found at ground floor of the subject industrial building (Photo 3). To the further south of the application premises across Tseuk Luk Street are residential cluster currently zoned "Residential (Group A)" on the OZP (Photo 4). A mixture of residential, industrial and commercial activities forms the existing land uses on the locality.
- 2.1.4 The San Po Kong Business Area had been a long-established industrial area that used to comprise predominantly godowns and manufacturing industries. Due to transformation of industrial operations and the shift of industries out of the area, commercial and ancillary industrial uses are emerging. It is also observed that predominant ground floor workshops of industrial building at the locallity have been converted to commercial uses.

2.1.5 Active and vibrant commercial services including bank use are provided at ground floor buildings along Tai Yau Street (**Photo 5 and 6**).

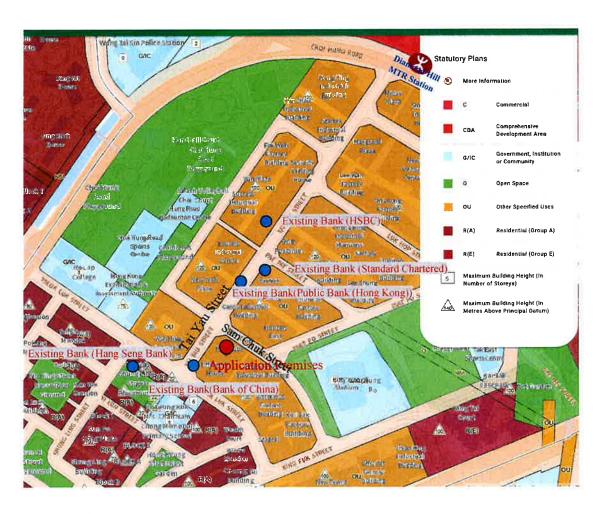


Plate 2 Site Context



Adjoining Building (35 Tai Yau Street)



Photo 1 Factory Canteen at Ground Floor of Photo 2 Ground Floor Shop at Canny Industrial Building



**Industrial Mansions** 



Photo 3 Ground Floor Shop at Wah Hing Photo 4 Existing Residential Cluster across Tseuk Luk Street



services



Photo 5 Active and vibrant commercial Photo 6 Active and vibrant commercial services

#### Accessibility

- 2.1.6 The application premises lies at Ground Floor of the subject building which is accessible via pavement along Sam Chuk Street and Tai Yau Street direct.
- 2.1.7 The locality is well-served by pedestrian network. To the further northeast of the application premises is Diamond Hill MTR station within 10 minutes walking distance along Tai Yau Street.

## 2.2 Land Status of the Application Site

2.2.1 The applicant, **Jing Wah Garments Manufacturing Co. Ltd.**, is the sole owner of the application premises. The application premises is subject to Condition of Sale No. UB 7179 governing New Kowloon Inland Lot No. 4437, under which the premises is restricted to industrial use excluding any offensive, noxious, noisome or unhealthy trade, business or manufacture.

#### 3 PLANNING CONTEXT

#### 3.1 Planning History

3.1.1 The application premises is subject to a previous planning approval for Proposed Shop and Services at portion of G/F, Jing Wah Building, 10 Sam Chuk Street, San Po Kong, Kowloon under Planning Application No. A/K11/245 approved by the Board on 16 July 2024.

#### 3.2 Statutory Planning Policy

- 3.2.1 The application site is zoned "OU(Business)" on the Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/31. This zone is intended 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 industrial-office buildings (Appendix I).
- 3.2.2 According to the Notes of the OZP, 'Shop and Services (not elsewhere specified)' is under Column 2 of the "OU(Business)" zone and may be permitted with or without conditions on application to the Board.
- 3.2.3 The Town Planning Board Guidelines for Development within "Other Specified Uses (Business)" Zone (TPB PG-No.22D) (Appendix II) is relevant to this application, the guidelines mentioned that:-
  - (Para. 1.1) "the "OU(Business)" zone has been introduced to allow maximum flexibility in the use of existing industrial and industrial-office (I-O) buildings as well as in the development of new buildings for both commercial and clean industrial uses."
  - (Para. 1.2) "The planning intention of the "OU(Business)" zone is primarily for general employment uses."

(Para. 4.5) "The provision for planning application for shop and services is restricted to those located at the ground floor only due to fire safety concerns"

(Para 4.6) "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 (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."

#### 3.3 Definition of Terms

3.3.1 The Definition of Terms published by the Town Planning Board regarding the proposed uses are listed under the table below:-

Table 2 Definition of Terms by Town Planning Board

Proposed Use	Definition	Remarks
Shop and Services	Means any premises where goods are sold or where services are provided to visiting members of the public.	It includes bank, barber shop, beauty parlour, convenient store, supermarket, department store, fast food shop, courier service counter, clinical laboratory, medical consulting room (including medical clinic, dental clinic, physiotherapy clinic and veterinarian clinic), money exchange, money lending office, pawn shop, photographic studio, small-scale printing and xerox service, real estate agency, retail shop, securities brokerage, service trades, showroom, tourist information office, employment agency and travel/ticket agency.

#### 4 DEVELOPMENT PROPOSAL

#### 4.1 Proposed Use

The application premises is applied for proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' with total floor area of about 335.3 m<sup>2</sup>.

The proposed partitioning shall be as follows:-

<b>Application Premises</b>	Proposed Use	Floor Area (m <sup>2</sup> )
Portion 1	Proposed 'Shop and Services'	About 126.5
Portion 2	Proposed 'Shop and Services (Bank/	About 208.8
	Fast Food Counter/ Electrical Shop/	
	Local Provisions Store/	
	Showroom)'	
	Total Floor Area:	About 335.3

#### 4.2 Floor Layout

The ground floor plan of the subject building is shown in Figure 1 and Figure 2. The internal layout of the application premises will be carefully designed in order to fulfill the requirement that the proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' within the premises is feasible and safe in nature without posing any adverse impacts to the surroundings or the subject building itself.

#### 4.3 Main Entrance

The proposed 'Shop and Services' will be accessible directly from pavement along Sam Chuk Street while the proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' will be accessible directly from pavement along Tai Yau Street.

#### 4.4 Fire Safety Measures

The application premises will be separated from the industrial portion of the subject building by buildings material with acceptable fire resistance period (FRP). It will also be provided with new, independent, exclusive Means of Escape (MOE) separated with the rest of the building. All the fire service installations in the premises will fulfill the requirements of Fire Services Department to ensure fire safety of the new use.

## 4.5 Implementation

After approval of this application, the applicant intends to apply to Lands Department for temporary waiver and obtain building plan approval before operation.

#### 5 PLANNING JUSTIFICATION

#### 5.1 Land Use Compatibility

Remaining portion of the ground floor of the subject building is currently occupied by a car park providing internal transport facilities to the subject industrial building. Meanwhile, ground floor of the immediate adjoining premises, 35 Tai Yau Street, is currently a factory canteen.

Active 'Shop and Services' uses are commonly found at ground floor of the industrial buildings along Tai Yau Street. And, to the further south of the application premises across Tseuk Luk Street are residential cluster currently zoned "Residential (Group A)" on the OZP. It is anticipated that the proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' at the application premises will be compatible with surrounding residential, industrial and commercial activities.

# 5.2 Conforming to the Planning Intention of "OU(Business)" Zone

The proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' at the application premises is considered fully in line with the planning intention of the "OU(Business)" zone which aims to phase out industrial uses by encouraging a mix of non-polluting industrial, office and other commercial uses. The proposed use will prove its conformability with the said planning intention since the proposed use is non-polluting and hence support the planning intention of progressive transformation and upgrading of the area.

#### 5.3 Meeting the Demand of Shop and Services Use

Many commercial activities are actively operating in the vicinity of the application premises, particularly at the ground floor of industrial buildings along Tai Yau Street. The existing land use pattern demonstrates the demand for proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' supporting the soaring commercial use at the locality. The proposed use for the purposes of supporting the commercial activities and the routine activities for the residents and workers in the area would be able to meet the foreseeable demand.

#### 5.4 Low Risk of Fire Hazard

With reference to the Town Planning Board Guidelines No. 22D, "owing to fire safety concern, the aggregate commercial floor area on the ground floor of an existing industrial/I-O building with and without sprinkler system should as a general principle not exceed 460m<sup>2</sup> and 230m<sup>2</sup> respectively." Nevertheless, the aforesaid guidelines also state that "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.". In view of this, the applied floor area of the proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/Local Provisions Store/Showroom)' at the subject premises does not exceed the permissible commercial floor area on the ground floor of the subject building. With the fire safety measures to be implemented on site, the business operation of the proposed 'Shop and Services' is not likely to arouse fire hazard.

#### 5.5 No Adverse Traffic Impact

The locality is well-served by pedestrian network. To the further northeast of the application premises is Diamond Hill MTR station within 10 minutes walking distance along Tai Yau Street. Together with the fact that the proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' is small scale, it is not envisaged that the proposed use is generating excessive traffic affecting the locality.

#### 5.6 No Adverse Impact on Environment

The application premises will not cause any adverse environmental impact to the locality, since the operation will not generate any noise, waste water discharge, vibration, odour smell or dust. It will facilitate the transformation of the subject area to a business area more environmentally desirable.

#### 5.7 Similar Planning Approvals for Shop and Services Use

Similar planning approvals for 'Shop and Services' use in the subject "OU(Business)" zone approved by the Board since 2005 are summarized in **Table 3** below.

Table 3 Similar Planning Approvals for 'Shop and Services' use

Application No.	Location	Proposed Use	Date of Decision
A/K11/76	Unit A, G/F, PerFect Industrial Building, 2-4 Pat Tat Street, San Po Kong, Kowloon	Bank Use on Temporary Waiver Basis	09.02.1990
A/K11/168	Workshop No. 2, G/F, Canny Industrial Building, 33 Tai Yau Street, San Po Kong (NKIL 4395)	Proposed Shop and Services (Retail Shop)	04.03.2005

Application No.	Location	Proposed Use	Date of Decision
A/K11/169	Workshop No. 1D, G/F, Canny Industrial Building, 33 Tai Yau Street, San Po Kong	Proposed Shop and Services (Fast Food Shop)	18.03.2005
A/K11/171	(NKIL 4395) Workshop No. 3, G/F, Canny Industrial Building, 33 Tai Yau Street, San Po Kong (NKIL 4395)	Shop and Services (Retail Shop)	10.06.2005
A/K11/173	Portions of C1, C2, C3, C4, C5A, C5B and C6 of Workshop Unit C, G/F, Startex Industrial Building, 14 Tai Yau Street, San Po Kong	Shop and Services	03.03.2006
A/K11/174	Units 1 to 5, G/F, Winning Centre, 29 Tai Yau Street, San Po Kong, Kowloon	Shop and Services	17.03.2006
A/K11/176	Workshop 1C, G/F, Canny Industrial Building, 33 Tai Yau Street, San Po Kong	Shop and Services	19.05.2006
A/K11/182	Workspace A (Portion), G/F, Lee King Industrial Building, 12 Ng Fong Street, San Po Kong, Kowloon	Shop and Services	20.06.2008
A/K11/187	Workshop No. 4A (Portion), G/F, Laurels Industrial Centre, 32 Tai Yau Street, San Po Kong, Kowloon	Shop and Services	07.11.2008
A/K11/190	Workshop No. 4B (Portion), G/F, Laurels Industrial Centre, 32 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services (Property Agency)	13.03.2009
A/K11/192	Portion (Unit 7) of Factory Space No. E, G/F, Wah Hing Industrial Mansions, 36 Tai Yau Street and 21 - 25 Tseuk Luk Street, San Po Kong, Kowloon	Proposed Shop and Services	27.03.2009

Application No.	Location	Proposed Use	Date of
			Decision
A/K11/193	Workshop No. 4B, G/F, Laurels Industrial Centre, 32 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services	10.07.2009
A/K11/195	Workshop No. C on G/F, Midas Plaza, 1 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services	21.08.2009
A/K11/196	Workshop 3, G/F, Canny Industrial Building, 33 Tai Yau Street, San Po Kong, Kowloon.	Shop and Services	12.02.2010
A/K11/201	Workshop D, Ground Floor and the A/C Platform on 1/F, Midas Plaza, 1 Tai Yau Street, San Po Kong, Kowloon	Shop and Services (Real Estate Agency)	01.04.2011
A/K11/207	Workshop 2, G/F, Canny Industrial Building, 33 Tai Yau Street, San Po Kong, Kowloon	Shop and Services	24.02.2012
A/K11/213	Workshop C, G/F, Midas Plaza, 1 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services	02.08.2013
A/K11/219	Factory Flat Nos. 2A and 2B on Ground Floor, Wing Shing Industrial Building, No.26 Ng Fong Street, San Po Kong, Kowloon	Proposed Shop and Services (Fast Food Shop)	27.03.2015
A/K11/221	Workshop No.2, Ground Floor, Laurels Industrial Centre, No.32 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services (Fast Food Shop)	17.07.2015
A/K11/222	Workshop B (Portion), G/F, Wong King Industrial Building, 2-4 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services	09.10.2015
A/K11/224	Unit 1A & 1B, G/F, Wing Shing Industrial Building, 26 Ng Fong Street, San Po Kong	Proposed Shop and Services (Fast Food Shop)	28.04.2017

Application No.	Location	Proposed Use	Date of
			Decision
A/K11/225	Workshop 11, G/F, New Tech Plaza, 34 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services	28.07.2017
A/K11/226	Workshop 13, G/F, New Tech Plaza, 34 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services	11.08.2017
A/K11/227	Portion of G/F, Lead On Industrial Building, 18 Ng Fong Street, San Po Kong, Kowloon	Proposed Shop and Services	11.08.2017
A/K11/228	Portion of G/F, Lead On Industrial Building, 18 Ng Fong Street, San Po Kong, Kowloon	Proposed Shop and Services	11.08.2017
A/K11/229	Unit B, G/F, Wang Fai Industrial Building, 29 Luk Hop Street, San Po Kong, Kowloon	Proposed Shop and Services	24.11.2017
A/K11/230	Workshops 10, 12 and 15, G/F, New Tech Plaza, 34 Tai Yau Street, San Po Kong, Kowloon	Proposed Shop and Services	12.01.2018
A/K11/234	Workshop on Ground Floor, No. 1 Sheung Hei Street, San Po Kong, Kowloon	Proposed Shop and Services	16.08.2019
A/K11/239	Workshop D on G/F including the glass panel enclosing the shop front and one A/C platform on 1/F, Midas Plaza, 1 Tai Yau Street, San Po Kong, Kowloon	Shop and Services	10.09.2021
A/K11/240	Factory Space No. F7, G/F, Wah Hing Industrial Mansions, 36 Tai Yau Street and 21-25 Tseuk Luk Street, San Po Kong, Kowloon	Shop and Services	24.09.2021
A/K11/242	Unit B, G/F., Wang Fai Industrial Building, 29 Luk Hop Street, San Po Kong, Kowloon	Proposed Shop and Services	23.09.2022

Application No.	Location	Proposed Use	Date of Decision
A/K11/243	Workshop Space, G/F (Portion), 21 Luk Hop Street, San Po Kong (New Kowloon Inland Lot No. 4873)	Proposed Shop and Services	14.10.2022

#### 6 CONCLUSION

- 6.1 This planning application is to seek planning permission for proposed 'Shop and Services' and proposed 'Shop and Services (Bank/ Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' at Portion of G/F, Jing Wah Building, 10 Sam Chuk Street, San Po Kong, Kowloon.
- The application premises falls within an area zoned "Other Specified Uses" annotated "Business" on the Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan No. S/K11/31.
- that used to comprise predominantly godowns and manufacturing industries.

  Due to transformation of industrial operations and the shift of industries out of the area, commercial and ancillary industrial uses are emerging. It is also observed that predominant ground floor workshops of industrial building at the locality have been converted to commercial uses.
- Fast Food Counter/ Electrical Shop/ Local Provisions Store/ Showroom)' complies with the planning intention of "OU(Business)" zone which aims to phase out industrial uses and permit maximum flexibility in the use of an existing industrial building. Remaining portion of the ground floor of the subject building is currently occupied by a car park providing internal transport facilities to the subject industrial building. Meanwhile, ground floor of the immediate adjoining premises, 35 Tai Yau Street, is currently a factory canteen. Thus, it is expected that the proposed use at the application premises will have no interface problems with adjoining uses.
- On the other hand, the proposed use will meet the demand for 'Shop and Services' amongst residential, industrial and commercial uses at the locality. Besides, no adverse traffic or environmental impact nor fire risk problem are envisaged to be generated from the proposed change of use.
- In view of the justifications stated herein, in additional to the fact that there have been many similar approved applications in the district, we sincerely hope that the Board will approve this application.

# Appendix I

Notes of the "OU(Business)" zone under Approved Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/31 (Extract)

#### OTHER SPECIFIED USES (Cont'd)

# Column 1 Uses always permitted

# Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board

#### For "Business" only (Cont'd)

Schedule II: for industrial or industrial-office building@

Ambulance Depot

Art Studio (excluding those involving direct provision of services or goods)

Cargo Handling and Forwarding Facility (not elsewhere specified)

Eating Place (Canteen only)

Government Refuse Collection Point

Government Use (not elsewhere specified)

Information Technology and

Telecommunications Industries

Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods^)

Office (excluding those involving direct provision of customer services or goods)

Public Convenience

**Public Transport Terminus or Station** 

**Public Utility Installation** 

Public Vehicle Park (excluding container vehicle)

Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

Recyclable Collection Centre

Research, Design and Development Centre

Shop and Services (Motor Vehicle

Showroom on ground floor, Service Trades only)

Utility Installation for Private Project Warehouse (excluding Dangerous Goods

Godown)

In addition, for building without industrial undertakings involving offensive trades or the use/storage of Dangerous Goods<sup>A</sup>, the

following use is always permitted:

Broadcasting, Television and/or Film Studio Cargo Handling and Forwarding Facility

(Container Freight Station, free-standing purpose-designed

Logistics Centre only)

Industrial Use (not elsewhere specified)

Mass Transit Railway Vent Shaft and/or

Other Structure above Ground Level other than Entrances

Off-course Betting Centre

Office (not elsewhere specified)

**Petrol Filling Station** 

Place of Recreation, Sports or Culture (not

elsewhere specified)

Private Club

Shop and Services (not elsewhere specified)

(ground floor only except Ancillary

Showroom# which may be permitted on any floor)

Vehicle Repair Workshop

Wholesale Trade

Office

## OTHER SPECIFIED USES (Cont'd)

#### For "Business" only (Cont'd)

In addition, the following uses are always permitted in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, loading/unloading bays and/or plant room) of an existing building, provided that the uses are separated from the industrial uses located above by a buffer floor or floors and no industrial uses are located within the non-industrial portion:

In addition, the following use may be permitted with or without conditions on application to the Town Planning Board in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, loading/unloading bays and/or plant room) of an existing building, provided that the use is separated from the industrial uses located above by a buffer floor or floors and no industrial uses are located within the non-industrial portion:

Commercial Bathhouse/Massage Establishment **Eating Place Educational Institution Exhibition or Convention Hall** Institutional Use (not elsewhere specified) Library Off-course Betting Centre Office Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Clinic Religious Institution School (excluding kindergarten) Shop and Services **Training Centre** 

Social Welfare Facility (excluding those involving residential care)

- <sup>®</sup> An industrial or industrial-office building means a building which is constructed for or intended to be used by industrial or industrial-office purpose as approved by the Building Authority.
- Dangerous Goods refer to substances classified as Dangerous Goods and requiring a licence for their use/storage under the Dangerous Goods Ordinance (Cap. 295).
- # Ancillary Showroom requiring planning permission refers to showroom use of greater than 20% of the total usable floor area of an industrial firm in the same premises or building.

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#### OTHER SPECIFIED USES (Cont'd)

#### For "Business" only (Cont'd)

#### Planning Intention

This zone is intended 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 industrial-office buildings.

#### Remarks

- (1) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 12.0, or the plot ratio of the existing building, whichever is the greater.
- (2) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum building height, in terms of metres above Principal Datum, as stipulated on the Plan, or the height of the existing building, whichever is the greater.
- (3) Non-building area(s) from the lot boundary shall be provided:
  - (i) a minimum of 3m-wide abutting Tai Yau Street and King Fuk Street; and
  - (ii) a minimum of 1.5m-wide abutting Choi Hung Road, Tseuk Luk Street, Sheung Hei Street, Sam Chuk Street, Sze Mei Street, Ng Fong Street, Luk Hop Street, Tsat Po Street, Pat Tat Street and Prince Edward Road East.
- (4) In determining the maximum plot ratio for the purposes of paragraph (1) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (5) Where the permitted plot ratio as defined in Building (Planning) Regulations is permitted to be exceeded in circumstances as set out in Regulation 22(1) or (2) of the said Regulations, the plot ratio for the building on land to which paragraph (1) applies may be increased by the additional plot ratio by which the permitted plot ratio is permitted to be exceeded under and in accordance with the said Regulation 22(1) or (2), notwithstanding that the relevant maximum plot ratio specified in paragraph (1) above may thereby be exceeded.
- (6) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the development restrictions as stated in paragraphs (1) and (2) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

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## OTHER SPECIFIED USES (Cont'd)

#### For "Business" only (Cont'd)

## Remarks (Cont'd)

(7) Under exceptional circumstances, for developments and/or redevelopments, minor relaxation of the non-building area restrictions as stated in paragraphs (3)(i) and 3(ii) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

(Please see next page)

# **Appendix II**

Town Planning Board Guidelines for Development within "OU(Business)" Zone (TPB PG-No. 22D)

# TOWN PLANNING BOARD GUIDELINES FOR DEVELOPMENT WITHIN "OTHER SPECIFIED USES (BUSINESS)" 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, North Point, 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 "Other Specified Uses" annotated "Business" ("OU(Business)") zone has been introduced to allow maximum flexibility in the use of existing industrial and industrial-office (I-O) buildings as well as in the development of new buildings for both commercial and clean industrial uses. It is perceived as a combination of the "Commercial" and "Industrial" zones. However, it is not intended to replace either of them as both zones will still have an important role to play in ensuring an adequate supply of land for core commercial and industrial activities at appropriate locations.
- 1.2 The planning intention of the "OU(Business)" zone is primarily for general employment uses. Under the "OU(Business)" zoning, a mix of non-polluting industrial, office and other commercial uses will be permitted as of right in new developments of 'business' buildings. Industrial uses involving offensive trades declared under the Public Health and Municipal Services Ordinance will not be permitted within the "OU(Business)" zone. In order to ensure that the concerns on fire safety and environmental impacts are properly addressed, only less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public will be permitted as of right in existing industrial and I-O buildings within an "OU(Business)" zone. As it is not possible to phase out existing polluting and hazardous industrial uses all at once, it is necessary to ensure compatibility of the uses within the same building and in existing industrial areas until the whole area is transformed to cater for the new non-polluting business uses.

#### 2. Scope and Application

2.1 This set of Guidelines sets out the definitions of relevant terms used in the user schedule of the "OU(Business)" zone and explains in detail the uses that are permitted within the zone.

#### 3. <u>Definition of Terms</u>

#### Non-polluting Industrial Use

- 3.1 **Non-polluting Industrial Use** means any industrial use which does not involve activities that are detriment to the occupants of the building and amenity of the area by reason of noise, waste water discharge, vibration, smell, fume, smoke, soot, ash, dust or grit.
- 3.2 In determining whether an industrial use falls within the meaning of 'non-polluting industrial use', reference should be made to the relevant ordinances such as the Air Pollution Control Ordinance, Water Pollution Control Ordinance, Waste Disposal Ordinance and Noise Control Ordinance, and their relevant technical memoranda and regulations as well as the relevant Government published guidelines such as the Hong Kong Planning Standards and Guidelines. Advice could also be sought from the relevant authorities such as the Director of Environmental Protection on a case-by-case basis.
- 3.3 In general, it includes uses involving prototyping, production, design, research and development, alteration, testing, quality control, adaptation, repair, assembly, packaging, storage and distribution of goods and materials without generating environmental pollution and nuisance to neighbours. It also includes information technology support and training for the enhanced productivity and delivery of the goods and materials involved in the aforementioned processes. Examples include custom-tailoring, fashion design and production, computer-aided design service, design and prototyping of electronic product and component, label/badge/button embossing, editing of newspapers, books and magazines for printing off the premises, photo-typesetting and typesetting, film developing and editing, packaging and quality inspection of finished products and after-sale repair of electrical appliances, furniture and office equipment.
- 3.4 It excludes industrial uses involving offensive trades declared under the Public Health and Municipal Services Ordinance and Specified Processes covered by the Air Pollution Control Ordinance; activities which produce chemical waste; or other activities which generate residuals such as waste water, noise, aerial emissions, solid waste, runoff and odour, or create physical changes causing unacceptable impacts on other land uses or on

the environment.

3.5 Non-polluting Industrial Use (excluding industrial undertakings involving the use/storage of Dangerous Goods) refers to those industrial establishments falling within the definition set out in paragraph 3.1 above, and would not involve the use and/or storage of substances classified as Dangerous Goods which requires a licence under the Dangerous Goods Ordinance. Non-polluting industrial establishments which would involve the use and/or storage of small quantities of Dangerous Goods that are exempted from the licensing requirements will be permitted.

#### Office (excluding those involving direct provision of customer services or goods)

- 3.6 Office (excluding those involving direct provision of customer services or goods) means any office of such uses that would not attract frequently a large number of visitors to the premises by providing direct services or goods to customers or visiting members of the general public.
- 3.7 In general, the premises are to be used for 'office' function which would not attract a large number of visitors. Some examples include headquarters or back-office operations; professional consultants such as architects, engineers, surveyors, planning consultants, solicitors, accountants; and business services such as advertising agencies, management consultants, public relations agencies and interior/graphic design offices.
- 3.8 Establishments which may be frequently visited by the general public, such as travel agents, property agents, employment agencies, investment broker firms, money lending offices, ticketing and sales offices and tourist information offices would be considered as general office use, and planning permission is required from the Board in industrial and I-O buildings (except in the purpose-designed non-industrial portion on the lower floors of an existing building).

#### I-O Building

3.9 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 fitments.

#### 4 Permitted Use/Development in an "OU(Business)" Zone

#### New Development

- 4.1 The following types of buildings are permitted as of right in the "OU(Business)" zone as new development or redevelopment/conversion of the whole building:
  - (a) Business buildings providing accommodation for a mix of non-polluting industrial (excluding industrial undertakings involving the use/storage of Dangerous Goods), office and other commercial uses;
  - (b) Office buildings with or without retail and other commercial uses;
  - (c) Industrial buildings providing accommodation for non-polluting industrial uses (excluding industrial undertakings involving the use/storage of Dangerous Goods) and office uses (excluding those involving direct provision of customer services and goods); and
  - (d) I-O buildings providing accommodation for non-polluting industrial uses (excluding industrial undertakings involving the use/storage of Dangerous Goods), offices (excluding those involving direct provision of customer services and goods) on upper floors, and general offices with or without commercial uses in the purpose-designed non-industrial portion on the lower floors which will be separated from the industrial uses on the upper floors by a buffer floor.
- 4.2 All uses included in Column 1 of Schedule I of the user schedule for the "OU(Business)" zone will be permitted as of right in new development as well as redevelopment/conversion of an existing industrial or I-O building in whole to a 'business' building.
- 4.3 New development of industrial or I-O buildings, i.e. development with general building plans submitted and approved under the "OU(Business)" zoning, have to conform to uses specified under Column 1 of Schedule II of the user schedule unless otherwise permitted by the Town Planning Board through the planning permission system. For such development, if no industrial undertakings involving offensive trades or the use/storage of Dangerous Goods will be accommodated within the building and such intention is clearly specified in the building plan submission, general office use will be permitted as of right. Otherwise, only those office uses that would not involve direct provision of customer services or goods to the general public will be permitted as of right. This is to address the concern on fire safety within the building. By the same token, for a building with office uses involving direct provision of customer services or

goods, planning permission will not be granted for any proposed industrial undertakings involving the use/storage of Dangerous Goods that requires a licence under the Dangerous Goods Ordinance.

#### **Existing Industrial or I-O Buildings**

- 4.4 As specified in the covering Notes of the outline zoning plans, no action is required to make the existing use of any land or building conform to the relevant plan, including the "OU(Business)" zoning. All existing uses within an existing industrial or I-O building will be tolerated. However, any material change of use will have to be permitted in terms of the plan (see paragraph 4.8 below).
- 4.5 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. In such circumstances, Schedule II of the user schedule for the "OU(Business)" zone provides that only office use which would not involve direct provision of customer services or goods to the general public will be permitted as of right in existing industrial or I-O buildings. Other office, commercial and institutional uses specified under Column 2 of Schedule II will require planning permission from the Town Planning Board. The provision for planning application for shop and services is restricted to those located at the ground floor only due to fire safety concerns. However, ancillary showroom use of up to 20% of the total usable floor area of an industrial firm in the same premises or building will be permitted without application. Ancillary showroom exceeding the 20% threshold may also be permitted on any floor of the building upon application to the Board.
- 4.6 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 merits. The above limits on commercial floor area do not

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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.

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 230m<sup>2</sup>/460m<sup>2</sup> 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.

4.7 For an existing I-O building, commercial uses and general office use will be permitted as of right in the purpose-designed non-industrial portion on the lower floors of an existing building (excluding basement(s) and floors containing wholly or mainly car parking, loading/unloading bays and/or plant room) provided such uses are separated from the industrial or I-O use located above by a buffer floor of non-hazardous occupancy, such as a car-parking or loading/unloading floor. No industrial uses will be permitted to co-exist with the commercial uses in the non-industrial portion.

# Material Change of Use in Part of Existing Industrial or I-O Buildings

4.8 When there is a material change of use, say, from one type of industrial use to another, or from non-industrial to industrial, the proposed use must be permitted in terms of the extant OZP. In this respect, only non-polluting industrial uses without the use/storage of Dangerous Goods that requires a licence under the Dangerous Goods Ordinance will be permitted as of right in order to avoid the perpetuation and/or aggravation of the potential interface problems.

#### 5. Other Statutory and Non-statutory Requirements

5.1 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. These include building structure, means of escape and fire safety requirements, which will be considered at the building plan submission stage.

TOWN PLANNING BOARD September 2007

