

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K13/331

- Applicant** : Goodrich Time Limited
- Premises** : Workshop No. 4A, G/F, Wing Fat Industrial Building, 12 Wang Tai Road, Kowloon Bay, Kowloon
- Floor Area** : About 53.7m²
- Lease** : New Kowloon Inland Lot (N.K.I.L.) 5894
(a) To expire on 30.6.2047
(b) Restricted for industrial and/or godown purposes (excluding offensive trades)
- Plan** : Draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/33
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”) [Restricted to a maximum plot ratio (PR) of 12.0 and a maximum building height (BH) of 120 meters above Principal Datum (mPD), or the PR and BH of the existing building(s), whichever is the greater]
- Application** : Shop and Services (Fast Food Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission for the ‘Shop and Services (Fast Food Shop)’ use at the application premises (the Premises) which are already partly used as fast food shop (**Drawing A-1, Plans A-1 and A-2**). The Premises occupy Workshop No. 4A on the ground floor (G/F) of an existing industrial building (IB) (i.e. Wing Fat Industrial Building), which falls within an area zoned “OU(B)” on the draft Ngau Tau Kok and Kowloon Bay OZP No. S/K13/33 (**Plan A-1**). According to Schedule II of the Notes of the OZP for the “OU(B)” zone applicable to industrial or industrial-office (I-O) building, ‘Shop and Services (not elsewhere specified)’ on the G/F of an IB requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises are divided into 3 units (Units 1 to 3 at **Drawing A-2**). According to the recent site inspection, Unit 1 of the Premises is under renovation, Units 2 and 3 are operating for ‘fast food shop’ uses (**Plans A-4 and A-5**). The Premises have frontages on a pedestrian lane connecting to the pavements of Wang Chiu

Road and Wang Tai Road (**Plan A-2**). Plan showing the location of the Premises at G/F of the subject IB is at **Drawing A-1**, and the internal layout of the Premises is at **Drawing A-2**.

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

- (a) Application Form received on 17.3.2025 (**Appendix I**)
- (b) Further Information (FI) received on 22.4.2025 (**Appendix Ia**) providing clarifications of the revised floor area, justifications, drainage facilities management, and submission of replacement pages of application form, drainage plan and sprinkler layout plan ^[#]

^[#] FI accepted and exempted from publication and recounting requirements

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**, and summarized as follows:

- (a) There are 3 units in the Premises. Of them, Unit 2 is operating for fast food shop, Units 1 and 3 are not yet commenced ^[1]. The current ‘shop and services (fast food shop)’ uses of the Premises are to serve the workers of the building. The current application is to continue the food business operation of Unit 2 and to commence the food business of Units 1 and 3; and
- (b) The existing public drains/sewers are in normal conditions and capable of taking the discharge from the Premises where applicable. The property management office will conduct regular check on the existing public drains/sewers.

3. Compliance with the “Owner’s Consent/Notification” Requirement

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

4.1 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

^[1] According to the recent site inspection, Unit 3 is operating for fast food shop (**Plans A-4 and A-5**).

uses within the same building until the whole building is modified/converted to accommodate the new non-polluting and less fire hazard-prone uses;

- (c) the Fire Services Department should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. Owing to fire safety concern, the aggregate commercial floor areas (CFA) on G/F 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 CFA 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 (L/UL) 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.
- 4.2 The fast food shop under the application is regarded as a use that is ancillary to or for the purpose of supporting the industrial activities and the routine activities of the workers in the industrial/I-O building. Therefore, the limit on aggregate CFA on the G/F of an IB is not applicable to the current application.

5. Previous Applications

- 5.1 The Premises are the subject of two previous planning applications No. A/K13/306 and A/K13/310 (**Plan A-3**) submitted by the same applicant for the same use (i.e. shop and services (fast food shop)) for a period of 5 years. They were approved with conditions by the Metro Planning Committee (the Committee) of the Board on 25.8.2017 and 2.11.2018 respectively mainly on the grounds that the applied use was generally in line with the planning intention of "OU(B)" zone and TPB PG-No. 22D; it would not induce adverse traffic, environmental and infrastructural impacts; and relevant government departments had no in-principle objection to the application.
- 5.2 Application No. A/K13/306 was revoked on 25.2.2018 due to the non-compliance with approval condition relating to submission and implementation of proposal for fire safety measures. For application No. A/K13/310, the same approval condition has been complied with and a Waiver Letter from Lands Department (LandsD) has been obtained in 2022, while the planning permission expired on 2.11.2023.

6. Similar Applications

- 6.1 The Committee has so far considered five planning applications (from 2010 to 2017) for various shop and services uses on the G/F of the subject IB (**Plan A-3**).

All of these applications were approved by the Committee. Details of the similar applications are summarized at **Appendix II**.

- 6.2 In the past three years, the Committee has considered 2 similar applications for ‘Shop and Services’ uses on G/F of industrial or I-O buildings under the “OU(B)” zone in Kowloon Bay Business Area (KBBA), and both of them were approved with conditions on the similar grounds as mentioned in paragraph 5.1 above. Details of the aforementioned applications are summarized at **Appendix III**.

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

7.1 The Premises:

- (a) occupy Workshop No. 4A on the G/F of the subject IB, and are sub-divided into three units. Of them, Unit 1 of the Premises is under renovation, Units 2 and 3 are operating for ‘fast food shop’ uses (**Plans A-3 and A-5**); and
- (b) are accessible from a pedestrian lane connecting to the pavements of Wang Chiu Road and Wang Tai Road and are separated from the main entrance to other floors of the existing IB (**Drawing A-2**),

7.2 The subject IB is:

- (a) a 10-storey IB abutting Wang Tai Road and Wang Chiu Road;
- (b) equipped with a sprinkler system with the current uses by floor as follows:

Floor	Current Uses
G/F	Shop and services (including the Premises , fast food shops ^[1] , courier services), factory canteens, lift lobby, carpark, L/UL area and locked units ^[2]
1/F	Carpark, L/UL area, offices and warehouses
2/F – 9/F	Offices, warehouses, logistic centre, party house ^[3] and locked units

^[1] One of the premises is covered by planning permission No. A/K13/275.

^[2] One of the premises is covered by planning permission No. A/K13/304.

^[3] There is no record of planning approval for such use.

7.3 The surrounding areas have the following characteristics (**Plans A-1 and A-2**):

- (a) the locality is mainly occupied by industrial or I-O buildings, including Hoplite Industrial Centre, First Group Centre and Proficient Industrial Centre to its east, south and west respectively;
- (b) to its immediate north is a commercial building, Kingston International Centre;

- (c) the G/F units of the neighbouring industrial buildings are mainly used for shop and services purposes such as eating places, real estate agencies, metal-ware shops, logistic facilities and money exchange while recycling facility, workshops, showrooms and warehouse can also be found at the G/F units of other industrial buildings in the vicinity; and
- (d) MTR Kowloon Bay Station is about 300m to the east.

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 summarized as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Kowloon East, LandsD:

- (a) The Premises fall within N.K.I.L. No. 5894 which are held under Conditions of Sale No. 11600 dated 19.3.1982 and are restricted for industrial and/or godown purposes, excluding offensive trades. The Premises are also subject to a Waiver Letter dated 8.4.2022 for a term of three years certain commencing on 24.1.2017 and thereafter quarterly which permits the use of the Premises, having an area of 53.7m², for the purpose of Shop and Services.
- (b) The application is to use the Premises for shop and services (fast food shop), which does not conflict with the permitted use under the aforesaid Waiver Letter.

Fire Safety

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

- (a) No comment on the application subject to fire service installations being provided to the satisfaction of his Department.
- (b) The subject building is protected with sprinkler system and means of escape are available. The aggregate limit of CFA does not apply to the fast food counter uses under current application, which are ancillary to or for the purposes of supporting the industrial activities and the routine activities of the workers in the IB.

Buildings Matters

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

No objection to the application and the applicant should note his advisory comments at **Appendix IV**.

Traffic Aspect

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

No in-principle objection to the application from the traffic engineering point of view and his advisory comments are at **Appendix IV**.

District Officer's Comments

9.1.5 Local views/comments conveyed by the District Officer (Kwun Tong), Home Affairs Department (DO(KT), HAD) are as follows:

The Kwun Tong and Kowloon Bay Business Area Committee has no comment on the application.

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

- (a) Chief Engineer/Mainland South, Drainage Services Department;
- (b) Chief Highway Engineer/Kowloon, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Director of Food and Environmental Hygiene; and
- (e) Commissioner of Police.

10. Public Comments received During the Statutory Publication Period

On 21.3.2025, the application was published for public inspection. During the statutory publication period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is to seek planning permission for 'Shop and Services (Fast Food Shop)' use at the Premises which are already partly used as fast food shop. The planning intention of "OU(B)" zone is primarily for general business uses. It allows greater flexibility in the use of the existing industrial or I-O buildings provided that the applied use would not induce adverse fire safety and environmental impacts. The applied use is intended to serve the workers in the building, and is considered generally in line with the planning intention.

11.2 The KBBA is being transformed into a business district. A number of similar applications for a range of 'Shop and Services' use at the G/F units of this IB and other industrial and I-O buildings in its vicinity have been approved by the Committee. The applied use is compatible with the changing land use character of the area. Moreover, the applied use with direct frontage to a pedestrian lane is considered not incompatible with other uses at the same building.

11.3 As set out in the TPB PG-No.22D, the aggregate CFA on G/F of an existing industrial or I-O building does not apply to the applied use. According to the D

of FS, the applied use is not subject to the maximum permissible limit of aggregate CFA. The applied use at the Premises complies with TPB PG-No.22D in that it would not induce adverse fire safety, traffic, and other impacts on the subject IB and the adjacent areas. Relevant Government departments including D of FS, CBS/K, BD, C for T and CE/MS, DSD have no objection to/comment on the application subject to the imposition of relevant approval condition and advisory comments.

- 11.4 The Premises were the subject of two approved applications submitted by the same applicant for the same use for a period of 5 years. The Committee has approved 5 similar applications in the G/F of the subject IB, and 2 similar applications within KBBA in the past three years. There is no change in planning circumstances and the approval of the current application is consistent with the Committee's previous decisions on similar applications as mentioned in paragraph 6 above.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the 'Shop and Services' use is already in operation. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission and implementation of a proposal on the fire service installations within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.11.2025; and
- (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.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

- 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 date when 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

Appendix I	Application Form received on 17.3.2025
Appendix Ia	FI received on 22.4.2025
Appendix II	Similar Applications on the G/F of the Subject IB
Appendix III	Similar Applications in KBBA from 2022 to 2025
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Ground Floor Plan of the Subject IB
Drawing A-2	Layout Plan of the Premises
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Plan Showing Previous and Similar Applications on the G/F of the Subject IB
Plans A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
MAY 2025**