

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

**APPLICATION NO. A/K11/246**

- Applicant** : Jing Wah Garments Manufacturing Company Limited represented by Raymond Chan Surveyors Limited
- Premises** : Portion of G/F, Jing Wah Building (aka Mini Cube), 10 Sam Chuk Street, San Po Kong, Kowloon
- Floor Area** : About 335.3 m<sup>2</sup>
- Lease** : New Kowloon Inland Lot No. 4437  
(a) held under the Condition of Sale No. 7179 dated 25.6.1962 as varied or modified by a modification letter dated 5.7.1965; and  
(b) restricted for industrial and/or godown purposes excluding offensive trades
- Plan** : Approved Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) No. S/K11/31
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)  
[Restricted to a maximum plot ratio (PR) of 12 and the maximum building height of 120 metres above Principal Datum (mPD), or the PR and the height of the existing building, whichever is the greater]
- Application** : Proposed Shop and Services (about 126.5m<sup>2</sup>)  
Proposed Shop and Services (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom) (about 208.8m<sup>2</sup>)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) partly for the proposed ‘Shop and Services’ use (about 126.5m<sup>2</sup>) and partly for the proposed ‘Shop and Services (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom)’ use (about 208.8m<sup>2</sup>). The Premises occupies portion of the G/F (**Drawing A-1, Plans A-4 to A-5**) of Jing Wah Building which is an existing 9-storey industrial building (IB) (hereafter refers as the subject IB) at the junction of Sam Chuk Street and Tai Yau Street in San Po Kong. The subject IB falls within an area zoned “OU(B)” on the approved Tsz Wan Shan, Diamond Hill and San Po Kong OZP No. S/K11/31 (**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)’ use on G/F of an IB is a Column 2 use, which requires planning permission from the

Town Planning Board (the Board)<sup>1</sup>.

- 1.2 The Premises, located on the G/F of the subject IB, has a floor area of about 335.3m<sup>2</sup>. The Premises will be sub-divided into two portions by new internal partition wall, i.e. (i) proposed 'Shop and Services' use portion with floor area of about 126.5m<sup>2</sup> and accessible from Sam Chuk Street; and (ii) proposed 'Shop and Services (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom)' use portion with floor area of about 208.8m<sup>2</sup> and accessible from Tai Yau Street. An indicative layout plan submitted by the applicant is at **Drawing A-1**. According to our recent site inspection, the Premises is partly vacant and partly occupied by a motor vehicle showroom<sup>2</sup>.
- 1.3 To separate the Premises from the existing industrial portion on G/F and to provide a means of escape for the proposed uses, the applicant proposes to construct a new block wall with self-closing doors at the periphery of the Premises (paragraph. 2(d) refers). Two existing private car parking spaces owned by the applicant at the carpark on G/F of the subject IB are proposed to be temporarily used as a loading/unloading (L/UL) space (**Drawing A-1**) between 7:00 am and 9:00 am daily by visit-by-appointment arrangement<sup>3</sup> to serve the proposed uses.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form received on 16.1.2025 (Appendix I)
  - (b) Supporting planning statement received on 16.1.2025 (Appendix Ia)
  - (c) Further information (FI) received on 19.3.2025 and 24.3.2025<sup>(\*)</sup> (Appendices Ib and Ic)
  - (d) Further information (FI) received on 13.5.2025<sup>(#)</sup> (Appendix Id)

*Remarks:*

<sup>(\*)</sup> *accepted but not exempted from publication and recounting requirement*

<sup>(#)</sup> *accepted and exempted from publication and recounting requirement*

- 1.5 On 13.4.2025, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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<sup>1</sup> Schedule II of the Notes of the OZP for the "OU(B)" zone also stipulate that 'Shop and Services' use is a Column 1 use for industrial or I-O building if it is located 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. However, such provision is not applicable to the subject IB as there is no buffer floor.

<sup>2</sup> 'Shop and Services (Motor Vehicle Showroom on ground floor, Service Trades only)' use within the subject "OU(B)" zone is always permitted under the OZP.

<sup>3</sup> According to the applicant, the estimated trips generated from the delivery of goods shall be a maximum of 4 trips per week and each session for L/UL activity shall not be more than 30 minutes. Arrangement will be managed by the existing property managers/security guards at the subject IB, who are directly employed by the applicant. During construction/renovation stage, the applicant also proposes that the delivery of construction materials shall be limited to Light Goods Vehicles and to be performed at early stage of the proposed use. Each session for L/UL activity shall not be more than 30 minutes.

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

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

- (a) the proposed uses are in line with the planning intention of the “OU(B)” zone and supports the transformation and upgrading of the area. There are similar applications for ‘Shop and Services’ use in the subject “OU(B)” zone which were approved by the Board;
- (b) the proposed uses are compatible with the surrounding environment in that there are ‘Shop and Services’ uses found along Tai Yau Street. The proposed uses are compatible with the surrounding residential, industrial and commercial activities, and will support the commercial activities, residents and workers in the area;
- (c) the floor areas of the proposed uses do not exceed the permissible commercial floor area (CFA) on the G/F of the subject IB as set out in the Town Planning Board Guidelines for Development within “OU(B)” Zone (TPB PG-No. 22D);
- (d) fire safety measures would be provided, including (1) separation of the Premises from the industrial portion of the subject IB by building materials with acceptable fire resistance period; (2) a new, independent and exclusive means of escape separated from the rest of the subject IB (**Drawing A-1** and **Plan A-7**); and (3) fire services installations which comply with the requirements of the Fire Services Department;
- (e) L/UL arrangement is proposed to serve the proposed uses, including the provision of a L/UL space to accommodate a light goods vehicle and goods delivery route inside the subject IB, management measures, and relevant modification works on G/F outside the Premises (**Drawing A-1**);
- (f) the proposed uses are of small scale, well served by pedestrian network and in close proximity to Diamond Hill MTR station. It is not envisaged that the proposed uses would generate excessive traffic affecting the locality. The proposed uses will not cause adverse environmental impact to the surrounding areas; and
- (g) the applicant intends to apply for temporary waiver from the Lands Department and obtain building plan approval from the Buildings Department before operation of the proposed uses.

## **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 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 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 CFA on G/F of an existing industrial/I-O building with and without sprinkler systems should 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 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 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.

## 5. Previous Applications

- 5.1 Portion of the Premises (about 219m<sup>2</sup>) is subject to a previous application No. A/K11/245 submitted by the same applicant for proposed 'Shop and Services' use, which was approved with conditions by the Board on 16.7.2024 on the considerations that the proposed use (i) is generally in line with the planning intention of "OU(B)" zone; (ii) compatible with the changing land use character of the San Po Kong Business Area (SPKBA); (iii) complies with TPB PG-No. 22D that would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the same building and the adjacent area; and (iv) has no adverse comments/objections from relevant Government departments. (**Plan A-7**). Approval condition in relation to the fire safety measures and means of escape is yet to be complied with.
- 5.2 According to the TPB PG-No. 22D, the aggregate CFA on the G/F of an existing industrial building without sprinkler system is limited to 230m<sup>2</sup>. Such limit is not applicable to the proposed 'Shop and Services' (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom) use (about 208.8m<sup>2</sup>). However, the proposed 'Shop and Services' use (about 126.5m<sup>2</sup>) is subject to this permissible CFA limit. Should the current application be approved and the applicant takes forward this application instead of the previously approved application No. A/K11/245, the aggregate CFA on G/F of the subject IB would be 126.5m<sup>2</sup>. It is within the maximum permissible limit of 230m<sup>2</sup> on G/F of an existing industrial building without sprinkler system.

## 6. Similar Applications

- 6.1 In the past three years, the Committee considered two similar applications for ‘Shop and Services’ use on G/F of industrial or I-O buildings under the “OU(B)” zone in SPKBA, and both of them were approved with conditions by the Board mainly on similar considerations as set out in para. 5.1 above. Details of the aforementioned applications are summarised at **Appendix II**.

## 7. The Premises and its Surrounding Areas (Plans A-1 to A-7)

### 7.1 The Premises:

- (a) occupies portion of G/F of the subject IB;
- (b) partly vacant and partly occupied by a motor vehicle showroom; and
- (c) is fronting Sam Chuk Street and Tai Yau Street. There is a lift lobby providing separate access to the upper floors of the subject IB.

### 7.2 The subject building:

- (a) is a 9-storey IB with car parking spaces on G/F. Occupation permit was issued by the Building Authority in 1965;
- (b) the building is not equipped with sprinkler system; and
- (c) has the following existing uses:

Floor	Main Uses
G/F	<b>The Premises</b> (partly vacant and partly occupied by a motor vehicle showroom), carpark, lift lobby, plant room
1/F	Training centre <sup>[@]</sup>
2/F	Offices
3/F – 6/F (4/F omitted)	Storage
7/F – 8/F	Vacant
9/F	Offices

[@] use not allowed unless in the purpose-designed non-industrial portion on the lower floors (except basements and floors containing wholly or mainly car parking, L/UL 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.

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

- (a) located in the established SPKBA, which is occupied mainly by IBs and I-O buildings (e.g. Wah Hing Industrial Building, Efficiency House and Kai Yip Factory Building) with some ‘Shop and Services’ uses on G/F, such as retail shops, fast food shops, banks, money exchange shops and canteens; and
- (b) are well served by various modes of public transport. The Diamond Hill MTR Station is about 550m to the northeast.

## **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, Lands Department (DLO/KE, LandsD):

- (a) the Premises falls within New Kowloon Inland Lot No. 4437 (“the Lot”), which is held under the Condition of Sale No. 7179 dated 25.6.1962 as varied or modified by a modification letter dated 5.7.1965. (collectively “the C/S”). The lease term has been extended up to 30.6.2046. The Lot is restricted for industrial and/or godown purposes excluding offensive trades. The proposed uses will contravene the lease condition under which the Lot is held;
- (b) pursuant to Special Condition No. (8) of the C/S, space shall be provided for the parking, L/UL of motor vehicles at the rate of not less than 1 vehicle for each 10,000 or part of 10,000 sq.ft. of floor area but in any event not less than 1 vehicle for each 5,000 or part of 5,000 sq.ft. of site area;
- (c) having considered the justifications set out in the FI, she has no further comments on the proposed temporary L/UL arrangement and the application; and
- (d) if the planning application is approved by the Board, the owner of the premises shall apply to LandsD for a lease modification or temporary waiver to implement the proposal. However, there is no guarantee that the lease modification or temporary waiver will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it will be subject to such terms and conditions, including, among others, the payment of premium/waiver fee and administrative fee as imposed by LandsD. Approval by the Board shall not prejudice the Government’s right to take enforcement action against any breach of lease conditions identified at the Premises.

### **Building Matters**

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

he has no objection in principle to the application subject to the following:

- (a) all building works/change of use are subject to compliance with the Buildings Ordinance (BO);
- (b) the applicant is advised to appoint an Authorised Person to ensure that any building works/change of use are implemented in compliance with BO, including (but not limited to) the following:
  - (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation ((B(P)R) 41(1)) and the Code of Practice for Fire Safety in Buildings 2011 (the FS Code);
  - (ii) the subject premises should be separated from the remaining portion of the building by fire barriers of adequate fire resistance rating pursuant to Building (Construction) Regulation 35 and the FS Code;
  - (iii) adequate provision of sanitary fitments should be provided to the subject premises in accordance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations;
  - (iv) adequate provision of barrier free access to the subject premises should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008; and
- (c) other detailed comments are at **Appendix III**;

### **Traffic Matters**

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

- (a) to ensure the proposed use would not induce roadside L/UL and goods delivery on public road, L/UL arrangement including a goods delivery route within the subject IB should be provided;
- (b) she has no adverse comments on the application and the proposed L/UL arrangement (paragraph 1.3 refers) from the traffic engineering perspective; and
- (c) other detailed comments are at **Appendix III** .

### **Fire Safety**

#### 9.1.4 Comments of the Director of Fire Services (D of FS):

- (a) no objection in-principle to the application subject to the following:
  - (i) a proposal of fire safety measures being provided to the satisfaction of his department; and
  - (ii) means of escape separated from the industrial portion is available for the Premises.
- (b) the building is not fully protected with sprinkler system so that maximum permissible aggregate CFA on G/F is 230m<sup>2</sup> in accordance with TPB PG-No. 22D. The proposed 'Shop and Services' use (about 126.5m<sup>2</sup>) under the application should be counted up to the aggregate CFA; and
- (c) other detailed comments are at **Appendix III**.

### **Environment**

#### 9.1.5 Comments of the Director of Environmental Protection (DEP):

in view of the nature and scope of the proposed uses, adverse environmental impact is not anticipated. It is noted that fast food counter will be provided. The applicant is reminded to ensure compliance with the requirements of relevant pollution control ordinances and guidelines, particularly the best practical control measures as set out in the "Control of Oily Fume and Cooking Odour from Restaurants and Food Business" to minimize the oily fume and cooking odour emission.

### **Drainage and Sewerage**

#### 9.1.6 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) the FI demonstrated that there shall be no increase in sewage discharge upon implementation of the proposed uses, and it is noted that the applicant will address the requirement to provide sufficient sanitary fitments for the proposed uses in the formal general building plan submission stage in compliance with the BO; and
- (b) having considered the justifications set out in the FI, he has no further comment on the FI and no objection to the application from public drainage and operation point of view.



### **Food and Environment Hygiene Aspect**

#### 9.1.7 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) proper licence / permit issued by this Department is required if there is any food business /catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
- (b) the operation of the business should not cause any environmental nuisances and/or hygiene problems at the Premises and its vicinities. The operator of the site is responsible for the removal and disposal of any trade waste generated from the commercial activities at their expenses.

#### 9.2 The following Government departments have no objection to/no comments on the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department;
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Commissioner of Police; and
- (d) District Officer (Wong Tai Sin), Home Affairs Department.

### **10. Public Comments Received During Statutory Publication Period**

During the statutory publication period, two objecting public comments from the Incorporated Owners of Efficiency House and Jing Wah Building were received, mainly on the grounds that eating place/retail store selling beverages at the Premises may burden the existing sewerage system (**Appendix IV**).

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

- 11.1 The application seeks planning permission for ‘Shop and Services’ use and ‘Shop and Services (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom)’ use at the Premises, which is within an existing IB under the “OU(B)” zone in SPKBA. 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 use would not induce adverse fire safety and environmental impacts. The proposed uses are considered generally in line with the planning intention.
- 11.2 The SPKBA is being transformed into commercial/business use with similar applications for ‘Shop and Services’ use approved on G/F units of other industrial and I-O buildings in the vicinity of the Premises. The proposed uses are compatible with the changing land use character of the area.
- 11.3 The proposed uses at the Premises complies with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic and environmental impacts on the development within the subject IB and the adjacent areas. Regarding the proposed L/UL arrangement (paragraph 1.3 refers) within the subject IB, C for T has no adverse comments. Relevant Government departments consulted including DLO/KE of

LandsD, D of FS, CBS/K of BD, CE/C of WSD and CE/MS of DSD have no adverse comment on/no objection to the application.

- 11.4 As advised by D of FS, the subject IB is not equipped with sprinkler system and is subject to a maximum permissible limit of 230m<sup>2</sup> for aggregate CFA on G/F in accordance with TPB PG-No. 22D. The proposed 'Shop and Services' use (floor area of about 126.5m<sup>2</sup>) is subject to the above limit, whereas such limit does not apply to the proposed 'Shop and Services (Bank, Fast Food Counter, Electrical Shop, Local Provisions Store or Showroom)' use (floor area of about 208.8m<sup>2</sup>). Should the Committee approve the application and the applicant takes forward the proposed uses under this application, the aggregate CFA on G/F of the subject IB is 126.5m<sup>2</sup>. It is within the maximum permissible limit as set out in the TPB PG-No. 22D. D of FS has no in-principle objection to the application subject to imposing relevant approval condition as set out in paragraph 12.2.
- 11.5 Portion of the Premises is subject to an approved application No. A/K11/245 submitted by the same applicant for 'Shop and Services' use. The Committee has approved 2 similar applications on the G/F of industrial or I-O buildings within the "OU(B)" zone in SPKBA in the past three years. There is no change in planning circumstances and the approval of this application is consistent with the previous decision of the Committee.
- 11.6 Regarding the public comments on potential sewerage impact, the applicant clarified that there shall be no 'eating place' use at the Premises. The applicant also demonstrated no increase in sewage discharge upon implementation of the proposed uses. CE/MS of DSD has no further comment and no objection to the application from public drainage and operation point of view.

## **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, it is suggested that the permission shall be valid until 23.5.2029, 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 submission and implementation of a proposal for fire safety measures and means of escape being separated from the industrial portion before operation of the approved uses to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) if the above planning condition (a) is not complied with before the operation of the approved uses, 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 V**.

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 to 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**

<b>Appendix I</b>	Application Form received on 16.1.2025
<b>Appendix Ia</b>	Supplementary Planning Statement received on 16.1.2025
<b>Appendices Ib and Ic</b>	FI received on 19.3.2025 and 24.3.2025
<b>Appendix Id</b>	FI received on 13.5.2025
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Detailed Departmental Comments
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Recommended Advisory Clauses
 <b>Drawing A-1</b>	 Layout Plan submitted by the applicant
 <b>Plan A-1</b>	 Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4 to A-6</b>	Site Photos
<b>Plan A-7</b>	Previous Application

**PLANNING DEPARTMENT  
MAY 2025**